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ABSTRACT

Because of the importance of the work of local school boards, each school board member must become thoroughly informed on school laws, rules and regulations, and the actual operation of the school district. He or she must also understand the role and responsibilities of school board members. First issued in 1958, this manual is intended primarily as a guide for the conduct of the affairs of school boards. Revisions are made as legislative action brings about changes in Alaska's educational system. Chapters deal with the school board in relation to state law, member qualifications and responsibilities, conduct in meetings and committees, the school administrator, personnel selection, collective bargaining, school-community relationships, the educational program, finance, educational facilities, and other agencies. (Author/IRT)

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A MANUAL FOR ALASKA SCHOOL BOARDS

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FOREWORD

Children are our most important resource. To develop that resource, we rely on our public school system. Education helps give our children skills to cope successfully with life, to explore and use their talents. As they become productive and responsive citizens, they benefit not only themselves but the society in which they live. Education also serves as a way of ensuring cultural continuity and of carrying on community values and ideas.

Education helps people inform themselves. And informed people can make sounder decisions. It has long been an established principle of our country that sound representative government depends on informed voters. Free public education is a privilege extended to pupils and a duty imposed on them for the continuation and improvement of our society. For this reason, education is compulsory to a certain minimum level.

Education in the United States is the responsibility of the state. Local school districts, such as city and borough school districts and Regional Educational Attendance Areas, are created by the state to carry out the educational program. School board members are, in effect, state officers with the scope and authority of their positions prescribed by state law and regulations.

Because of the importance of the work of local school boards, each school board member must become thoroughly informed on school laws, rules and regulations, and the actual operations of the school district. He or she must also understand the role and responsibilities of school board members. First issued in 1958, this manual is intended primarily as a guide for the conduct of the affairs of school boards. Revisions are made as legislative action brings about changes in Alaska's educational system. Other references for school board members includes *Compiled School Laws of Alaska* and *Department of Education Rules and Regulations.*

Thank you for joining with us in the challenging adventure of providing an education for our children.

Marshall L. Lind
Commissioner of Education

Editor's Note: Three abbreviations are used in this Manual. *AS* stands for Alaska Statutes, *CSA* means Constitution of the State of Alaska, and *REAA* refers to Regional Educational Attendance Areas.

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CHAPTER 1

THE SCHOOL BOARD AS A LEGAL ENTITY

A. Legal Basis for School Boards

The Tenth Amendment to the Federal Constitution leaves the responsibility for public education to the individual states. Each state, in its own constitution, recognizes and accepts this responsibility. The Constitution of the State of Alaska states:

The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution. (CSA Article VII, Section 1)

The public school system is regulated through the Department of Education. The Department of Education is headed by the State Board of Education which appoints the principal executive officer of the Department, the Commissioner of Education. The State Board of Education is given specific powers and duties including that of promulgating regulations necessary to carry out the educational statutes. The Board also is given authority to plan, finance, and operate related school and educational activities and facilities.

The legal basis for the organization and government of local school systems is also found in Alaska Statutes. Each local educational agency or regional educational attendance area has a school board. That board is responsible for the direction and planning of public education for that district. State law also relates the general powers and duties of school boards. (AS 44.27.010-020, AS 14.07.010-060, AS 14.08.101-111, AS 14.14.020-100)

B. Types of School Districts

The Alaska Statutes provide for three types of school districts: (AS 14.12.010)

(1) each first class city in the unorganized borough is a city school district;

(2) each organized borough is a borough school district;

(3) The area outside organized boroughs and outside first class cities is divided into regional educational attendance areas.

The statutes provide that each borough or city school district shall be operated on a district-wide basis under the management and control of a school board. In addition, each regional educational attendance area shall be operated on an areawide basis under the management and control of a regional school board. The regional school board manages and controls schools on military reservations within its regional educational attendance area until the military mission is terminated or so long as management and control by the regional educational attendance area is approved by the department. However, operation of the military reservation schools by a city or borough school district may be required by the department under As 14.14.110. If the military

mission of a military reservation terminates or continued management and control by the regional educational attendance area is disapproved by the department, operation, management and control of schools on the military reservation transfers to the city or borough school district in which the military reservation is located.

The legislation provides the state money necessary to maintain and operate the regional educational attendance areas. It also appropriates funds under the public school foundation formula for borough school districts and city school districts. The borough assembly for a borough district, and the city council for a city school district, provide the money which must be raised from local sources to maintain and operate the district.

Special Note: The 1968 Alaska Legislature created a new type of borough, the third class borough (Ch 156, SLA 1968). A third class borough has area-wide powers of education and tax assessment and collection as provided for first and second class boroughs. It does not have the planning and zoning area-wide powers of the first and second class boroughs. However, the borough assembly of the third class borough "shall be the borough school board" with the presiding officer of the borough assembly serving as president of the school board. As yet there is little experience background with this type of borough school board. Consultant staff from the State Department of Education should be called upon to advise school boards created under this provision.

All schools not defined as public schools are designated as "Private or Denominational," with the exception of those schools operated by the Bureau of Indian Affairs which are referred to as "B.I.A. Schools."

C. Responsibilities of a School Board

1. Legal and Statutory Responsibilities

The school board is an agency of the state. Its powers and duties and responsibilities are actually defined by the legislature. Within each school district each school board must put into effect an educational program which is in compliance with the laws. Therefore, school board members must be familiar with the laws pertaining to public schools and with the *Rules and Regulations of the Department of Education*. All of the following sources of information are important to the local board:

a. *Compiled School Laws*

b. *Department of Education Rules and Regulations*

c. Rulings and interpretations of the Commissioner of Education

d. Attorney General's opinions

e. Official manuals issued by the Department of Education, approved by the State Board of Education, with the effect of regulation.

The general powers and duties of city and borough district school boards are contained in AS 14.14.020-160 while those of REAA school boards are outlined in AS 14.080.101-111. The

following list covers the main areas:

a. provide, during the school term of each year, an educational program for each school age child who is a resident of the district;

b. develop a philosophy of education, principles and goals for its schools;

c. employ a chief school administrator and approve the employment of the professional administrators, teachers and noncertificated personnel necessary to operate its schools;

d. establish the salaries to be paid its employees;

e. designate the employees authorized to direct disbursements from the school funds of the board;

f. submit the reports prescribed for all school districts;

g. provide for an annual audit in accordance with AS 14.14.050;

h. sue and be sued;

i. adopt regulations governing organization, policies and procedures for the operation of the schools;

j. provide for organization of the board after each regular school election;

k. declare board vacancies and fill the same;

l. keep the minutes and a record of all proceedings in pertinent form and open to public inspection.

m. formalize school board policies into written by-laws;

n. provide surety bond(s) for officer(s) responsible for handling and accounting for funds.

Any of the existing powers of the school board may be restricted or modified by the acts of the State Legislature. Also the extent to which a school board may exercise some of the specifically named powers may be modified by a judicial interpretation or an opinion of the Attorney General.

The State Board of Education has authority by statute to promulgate rules and regulations for the government of schools. It has set forth some delegation of powers and some limitations on powers of school boards; these are delineated in the *Department of Education Rules and Regulations.* Such matters as teacher certification, bus transportation, and accounting and reporting are covered in *Rules and Regulations.*

2. Implied or Discretionary Powers

There is little judicial precedent in Alaska relative to implied or discretionary powers of school boards not explicitly stated in law or regulation. However, in various states the courts

have customarily upheld the exercise of discretion by local school boards in matters which by statute or state department regulation are clearly left for its judgment and decision. Usually, rules and regulations or policies of local boards of education have not been questioned by the courts except in cases where there is question about whether they are within the scope of the board's authority. The "test of reasonableness" usually determines such cases.

Lee Garber, in *The Law and the School Business Manager,* classifies school board powers and discusses the various types of detail. Concerning implied or discretionary powers, he says:

> . . . in connection with a board's discretionary authority, the courts have generally ruled that a board is to be limited only by the requirements and restrictions imposed by law as these limitations are interpreted by the courts. As a rule, the courts do not interfere with a board's exercise of its discretionary authority, even though the latter's judgment, as adopted, may appear unwise. Court action is usually restricted to those instances where the action of the board is unreasonable, is in violation of existing law, or is a clear abuse of the board's discretionary power. Within this limit, a board may make such decisions as it deems best.

Among the implied or discretionary powers which rest upon the local board are the following:

a. The evaluation and appraisal of policy execution on the local level.

b. The authority to work cooperatively with other school districts, governmental and private agencies, and community groups in programs relating to the general good of the overall school program.

c. The adoption of study guides and programs of study which extend and supplement those minimum courses of study established by the Board of Education under its legal authority.

d. Determination of community use of school facilities.

3. Additional Responsibilities

The school board has additional social, civic, moral and ethical, and economic responsibilities, not only to the state, but to the local community. From the legal standpoint, the board is the only agency in the community which has specific legal responsibility for the operation of the school program.

The board has *a social responsibility* toward all the people in the school district for they look to the school as the center of the educational program, young people and adults alike. The board has a *civic responsibility* as the controlling body of a service which is basically essential to the life of the community. The board has a *moral and ethical responsibility* to carry out its functions impartially and courageously to the best interests of the greatest number at all times. The board has an *economic responsibility* since there is a direct relationship between good schools and the general prosperity of the state and nation, and further, since there is the necessity of using public funds for education to the greatest good of the greatest number.

In carrying out these responsibilities, the school board, as a matter of community relations, must adapt the school to the needs of the community within the framework of the statutes and

regulations. The school must coordinate its work with the other community agencies and must exercise leadership in public education.

D. Delegation of Powers

There is no legal question of the authority of a local school board to delegate certain powers to the superintendent of schools or the school principal. However, the board cannot escape responsibility for the actions of the agents to whom it delegates powers, and there are some powers restricted specifically to the Board. There is no recognition of powers of superintendents or principals in the statutes. Therefore, the board can only delegate *ministerial powers* to the school head, and any powers so exercised must be ratified by the board. Hence, a school administrator cannot legally promulgate policy, officially employ teachers, execute contracts, etc., in Alaska or elsewhere without final approval or ratification by the Board. (See Garber's *Law and the School Business Manager* for a good discussion of delegation of powers by a board.)

It is recommended that each school board draw up an administrative organization chart which will indicate those powers and duties specifically delegated to the superintendent of schools. Any further delegation of powers by the superintendent to principals or staff members should be shown on the administrative organization chart.

The question sometimes arises as to the authority of school board committees. While committees may be established to carry out certain investigations or to study matters relating to the school program, the actual power of action cannot be delegated to a committee. The board can only act officially as a board unit.

E. Major Functions and Their Execution

1. Organization and Operation as a Board

The board must organize with the board officers as prescribed by law. Once the board is organized, it sould adopt by-laws and policies for the conduct of the business of the board. The by-laws are simply rules of procedure which set forth the manner of board operation, including provisions for meetings and notifications therefor, the conduct of meetings, the keeping of school board records and other matters relating to board operation, most of which are treated in detail later in this manual. (AS 14.14.070)

Policies and by-laws adopted for the conduct of board business are not to be confused with policies established by the board for the guidance of the superintendent or for the actual operation of the school program. Board policies and by-laws are intended primarily to set forth the principles that the board will follow in deciding cases or problems that relate to the business of the board. Policies which relate to the superintendent and staff should be separately set forth as official school district policy.

Alaska law provides that the operational procedures of the board, as well as policies for the management and control of the district, shall be expressed in written "by-laws" form. Administrative rules need not be promulgated as by-laws but must be in written form and readily available to all school personnel. (AS 14.14.100)

The board must operate as a unit for the conduct of official business. Such business must be conducted at regular or special board meetings which are established or called in the manner detailed in the statutes and in Chapter III of this manual.

All board meetings must be open to the public and the public shall be informed as to the time of regular meetings and of special meetings. The board may by majority vote in any meeting declare an executive session for the consideration of specific matters of business as noted in the statute. However, no action may be taken in the executive session. (AS 44.62.310)

2. Policy-making Functions

The legislative or policy-making function is the most important one to be exercised by a local school board. While the details of actual operation and management of the schools should be exercised by the superintendent, principals, and staff, these persons work within the framework of educational policy which is established by the legislative body - - the board of education.

The first essential for satisfactory policy-making is to distinguish between a policy and a rule or regulation. A policy is a principle which can be followed in deciding cases or problems which arise in a given phase of education. Then, rules and regulations consistent with these policies should be formulated by the superintendent and staff and submitted to the board for approval.

The policies formed should be broad enough to indicate a line of action to be taken by the superintendent or principal in meeting a number of problems with the application to specific problems left to the superintendent. It is sometimes difficult to define where policy ends and application of policy begins, but this confusion can be avoided if policies are made broad and general with the details of application left for rules and regulations.

Policy formation may result from recommendations of the superintendent, it may emerge from the earlier experiences of the school board; perhaps it may be formed as a result of specific action taken by the board on an important problem or issue; or it may be developed through long-range planning and cooperative study involving the board, the staff, and the community. As policy develops or is developed, it should be set forth in the minutes of the board meetings; in handbooks prepared and adopted for use of the district personnel; and in policy statements which may be issued as necessary.

Policy should be adopted to cover all primary activities of the school, including the following:

a. Selection of the superintendent and administrative staff.

b. Staffing the school, both certificated and non-certificated personnel.

c. Curriculum and instructional program.

d. Special pupil services.

e. Pupil attendance, progress, welfare, and activities.

f. Supplies and equipment.

g. Plant maintenance.

h. Use of the buildings.

In review of the Alaska statute providing that the board shall issue its policies and administrative rules in written form (AS 14.14.100) school boards which have not done so must address themselves to the task. A comprehensive manual could be prepared to embody the by-laws governing board procedures, the broad board policies for the management and operation of the schools, and the necessary administrative rules and regulations to implement policy. Several larger Alaska districts have issued such manuals. The National School Boards Association has prepared a policy manual guidebook.

There is growing recognition of the necessity for involvement of staff and community in policy formulation. The board and superintendent should devise mechanisms for participation of the staff in policy review and formulation and should consider holding public hearings on major policy proposals which materially affect students, parents, and the community.

3. Evaluation and Appraisal

The primary function of the board and the entire staff must be to provide a quality program of instruction for the school-age children of the district. The organization of the board and staff and the promulgation of policies, rules and regulations, and procedures must be viewed only as a means to accomplishing instructional ends.

Hence, the board and staff must provide for the continuous and consistent evaluation and appraisal of all matters relating to the conduct of the school program. Policies must be periodically reviewed and modified in the light of how well they contribute to meeting the program needs.

There is also necessity for evaluation and appraisal of the school staff, including certificated and non-certificated personnel. Such evaluation should be based on reports submitted by the superintendent, always with the view in mind of appraising the effectiveness of the staff member in contributing to the general school program.

The school board must always be concerned with the evaluation and appraisal of the curriculum and instructional program. Too often school boards are so involved with budgets and finance and school building needs that little attention is paid to the actual school program. Then, when community criticisms are leveled at the school, the board does not have the background or understanding of the school program to intelligently cope with the problem. For that reason the board should devote some specific time at each board meeting to a review and analysis of the school instructional program.

Usually school boards spend considerable time in projecting building needs and some time on problems relating to building use. Since building facilities are basic to the school program, it is proper and necessary that they should do so. The board and school staff should work together in considering building needs and the best use of school facilities for the best possible instructional program.

4. Planning

Closely related to evaluation and appraisal is the planning for future school needs. Evaluation and appraisal of the present school program and school facilities are basic to planning for the future. Future planning should be on a long-range basis and should include planning of the educational program and its extension, recruitment and staff extension, and building program.

CHAPTER II

THE INDIVIDUAL SCHOOL BOARD MEMBER

A. The Traits of a Good School Board Member

According to the laws of Alaska, to be eligible for school board membership a person must be a citizen of the United States and a qualified voter of the school district. In addition to these legal qualifications, there are several informal qualities which help one be an effective board member. Among these qualities are:

a strong interest in the community and children

patience

willingness to listen to all sides in a conflict

willingness to take a firm stand once an issue has been evaluated

willingness to give lots of time not only to meetings but also to preparation for meetings and to communications with the community

willingness to learn about a board member's role and responsibilities

B. Legal Qualifications, Election, and Term of Office

In Alaska a school board member must be a citizen of the United States, 18 years of age or over and a resident continuously for thirty (30) days immediately preceding the election in the school district.

Each board in a borough or city school district with 5,000 or less average daily membership has five members. When the average daily membership exceeds 5,000 a seven-member board is required. The statutes spell out procedures for transition from a five-member to a seven-member board. (AS 14.12.030-040)

School board members are elected at the time of regular borough or city elections for three-year terms or until a successor takes office. The statutes provide for the establishment of staggered terms for newly created boards and for expanded boards. (AS 14.12.050)

Each board in a Regional Educational Attendance Area shall consist of five, seven, nine or eleven members, all elected at large. The number of regional school board members established may be increased or decreased by the qualified voters placing the question on the ballot at a regular school board election in the manner prescribed by law (AS 14.08.41). REAA school board members are elected for a three year term of office.

C. Board Member Vacancies

Board vacancies are of two types: *voluntary* and *involuntary*. Voluntary vacancies arise from the death, removal from the district, or voluntary resignation of a board member. Involuntary vacancies may be declared by the other members when a member of a board is absent from three consecutive regular meetings and is not excused by the president. (AS 14.14.080)

Vacancies of either type must be filled within 30 days by the remaining members. The person named shall serve only until the next regular election when a successor shall be elected to serve the balance of the term. (AS 14.12.070)

D. Orientation of New Board Members

The school board and school administration are responsible for the training and orientation of new board members. The following steps are suggested:

1. Introduction to School Board Through Personal Conferences and Visitations

The president of the board and the school administration can make personal contact with the newly elected member prior to the time he or she officially takes office and can serve to introduce him or her to some aspects of board membership. The incoming board member may want to visit schools and meet staff prior to assuming board member responsibilities.

2. Introduction Through School Reports

The school administrator should furnish the new member with the latest local school reports, copies of the minutes of board meetings for the past several meetings or past years, a copy of the board policies and administrative rules and regulations, copies of budget and financial statements, copies of curriculum materials, teacher and student handbooks, and other informational materials relating to the school system.

3. Introduction Through State Publications

Each new school board member should be furnished with a copy of the *Compiled School Laws, the Department of Education Rules and Regulations* and such other State publications as the school board and school administrator believe are of interest and value to the board member. It is suggested that some time be set aside at board meetings during the year or that a special meeting be devoted to a review and discussion of these materials.

E. Aids for Board Members

1. The Code of Ethics for School Board Members

The following code of ethics for school board members was originally developed by the Indiana School Boards Association:

A SCHOOL BOARD MEMBER SHOULD HONOR THE HIGH RESPONSIBILITY WHICH MEMBERSHIP DEMANDS:

BY THINKING always in terms of "children first."

BY UNDERSTANDING that the basic function of the school board member is "policy-making" and not "administrative" and by accepting the responsibility of learning to intelligently discriminate between these two functions.

BY ACCEPTING the responsibility along with fellow board members of seeing that the maximum of facilities and resources is provided for the proper functioning of schools.

BY REFUSING to "play politics" in either the traditional partisan or in any petty sense.

BY REPRESENTING at all times the entire school community.

BY ACCEPTING the responsibility of becoming well informed concerning the duties of board members and the proper functions of public schools.

BY RECOGNIZING responsibility as a State official to seek the improvement of education throughout the State.

A SCHOOL BOARD MEMBER SHOULD RESPECT RELATIONSHIPS WITH OTHER MEMBERS OF THE BOARD:

BY RECOGNIZING that authority rests only with the Board in official meetings and that the individual member has no legal status to bind the Board outside of such meetings.

BY RECOGNIZING the integrity of predecessors and associates and the merit of their work.

BY REFUSING to make statements or promises as to how he or she will vote on any matter which should properly come before the Board as a whole.

BY MAKING decisions only after all facts bearing on a question have been presented and discussed.

BY RESPECTING the opinion of others and by graciously conforming to the principle of "majority rule."

BY REFUSING to participate in irregular meetings such as "secret" or "star chamber" meetings which are not official and which all members do not have the opportunity to attend.

A SCHOOL BOARD MEMBER SHOULD MAINTAIN DESIRABLE RELATIONS WITH THE SUPERINTENDENT OF SCHOOLS AND THE STAFF:

BY STRIVING to procure, when the vacancy exists, the best professional leader available for the head administrative post.

BY GIVING the superintendent full administrative authority for properly discharging professional duties and by also holding the superintendent responsible for acceptable results.

BY ACTING only upon the recommendation of the superintendent in matters of employment or dismissal of school personnel.

BY HAVING the superintendent present at all meetings of the Board except when the superintendent's contract and salary are under consideration.

BY REFERRING all complaints to the proper administrative office and by discussing them only at a regular meeting after failure of administrative solution.

BY STRIVING to provide adequate safeguards around the superintendent and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis.

BY PRESENTING personal criticisms of any employee directly to the superintendent.

A SCHOOL BOARD MEMBER SHOULD MEET RESPONSIBILITIES TO COMMUNITY:

BY ATTEMPTING to appraise fairly both the present and future educational needs of the community.

BY REGARDING it as a major responsibility of the Board to interpret the aims and the methods of the schools to the community.

BY INSISTING that all school business transactions be on an open, ethical, and above-board basis.

BY VIGOROUSLY seeking adequate financial support for the schools.

BY REFUSING to discuss personnel matters or any other confidential business of the Board at home, on the street, or in the office.

BY WINNING the community's confidence that all is being done in the best interests of school children.

2. Publications and Periodicals

There are excellent books and magazines published especially for school board members. Such publications as *The American School Board Journal* and the *Alaska Board Commentary* are of value. In many school districts a subscription to one such periodical is taken for each board member. The National School Boards Association and the American Association of School Administrators publish pamphlets and books relating to various aspects of school board functions and school administration.

The Department of Education issues publications and periodic newsletters which are sent to school board members.

3. Visitations and Participation

School board members should attend local meetings, school programs, discussion groups, and lectures which may improve their knowledge of trends and practices in education. Visits to

local schools and to other districts are helpful. Each school board should have several members at the annual meeting of the Association of Alaska School Boards. Each board should try to send at least one member to the annual meeting of the National School Boards Association.

F. Relation of the Board Member to the Board as a Unit

The individual board member has no authority or legal power as such. Only the actions of the board determined and taken in legally held meetings have any validity or authority. The only exceptions are specific responsibilities given to board officers in the performance of legal duties. However, this does not empower these officials to control or supervise instruction, to make decisions, or to exercise discretionary powers.

The individual board member may be approached by parents or patrons of the district since in their eyes he or she does represent education and controls school policies. Such parents or patrons may expect "on-the-spot" action. Board members, however, should abstain from individual judgment, and any matters should be referred to the whole board. Board members represent the entire district and are elected at large. An individual member does not represent an economic, social, or geographical subdivision of the district.

This does not mean that a school board member should not be free to think, to suggest problems to the board, to become informed on school matters, to participate in the board deliberations, and to vote as he or she chooses. By virtue of the position, it is the school board member's duty to learn what the people want, to listen to people, and to give them information about the schools if they request it.

Factions or divisions among members of the board may result from the activity of individuals trying to gain acceptance for a specific point of view. There will be differences of opinion, but these should not lead to disrupting arguments. Each member should intelligently and unselfishly cooperate with other board members in determining school policies and procedures. The majority and minority must deal fairly with each other. The individual member should vote his or her convictions on what is best for the public interests.

G. Personal Liability of Board Members

Section 14.12.120 of the Alaska Statutes provide that "A member of a borough or city school board may not, while acting within the scope of his authority, be subject to personal liability resulting from the activities of the school board." (Sec. 1 ch 53 SLA 1971)

The school board is established by the Legislature as a legal entity, and in this capacity is empowered to sue and be sued. An individual board member can be sued for individual action, but not usually as a result of action taken by the board unless there is a proved corrupt motive or violation of civil rights.

H. Visiting Schools

Since the school board is the official connection between the school system and the public, members should become informed about all aspects of the educational program. A good school administrator will make every effort to keep board members fully informed about the school and its program. School visitations are one of the several ways open to individual board members to learn about the schools.

Through school visitations an individual board member will be helped in public relations or interpretation of the schools to the public and in determining policies for the administration of the schools.

The school administrator and the classroom teachers will welcome such visitations if the school board member is sincere in wanting to learn about the educational program and the staff and if they realize that the visits are not for the purpose of supervision or criticism. Therefore, board members should visit only on a prearranged schedule worked out with the school administrators and teachers concerned. All visitors, including school board members, should check in through the office of the principal of the school building.

CHAPTER III

THE SCHOOL BOARD AS A UNIT

A. Organization of the Board

1. Oath of Office

State law requires that before a board member takes office he or she shall take and sign the following oath:

> I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska and that I will honestly, faithfully, and impartially discharge my duties as a school board member to the best of my ability. (AS 14.12.090)

2. School Board Officers – Powers and Duties

Each school board shall, at its first meeting following a school election, organize as a board and elect from its members a president, a clerk, and if necessary a treasurer. (A borough assembly may require school funds to be deposited in a centralized treasury and then a school board treasurer would not be required.) (AS 14.14.070; 07.15.330)

a. President. The president presides at all meetings and, in addition to having the authority to vote on any and all questions confronting the board, performs the usual functions of a chairperson of an organized body. The board by-laws should designate the priority in which other members would serve in the capacity of president in case of the president's absence.

The duties most frequently delegated to the president of the board and some of which are directly or indirectly required by regulation include the following:

(1) To preside at all meetings.

(2) To countersign checks and/or warrants unless written board procedures specify otherwise.

(3) To sign official papers required by the State, other political sub-divisions, or relating to official board business.

(4) To call special meetings in the manner outlined in the law.

(5) To appoint any necessary special investigative or representative committees.

(6) To confer with the administrator in developing the agendas for board meetings.

(7) To officially represent the district at public meetings, special group meetings, or as necessary in legal actions.

It should be emphasized that the president has no particular jurisdiction over the affairs of the school district beyond those of the office or those which may be delegated to him or her by the board. He or she does have the responsibility for establishing the general tone of the meeting and should have the ability to keep the board meeting moving, yet to provide full consideration of all matters. Through competence and personality the president can offer leadership to the board and provide a harmonious atmosphere for the conduct of school business.

b. Clerk. The clerk attends to the correspondence of the board, keeps the official minutes which comprise the board's legal journal, countersigns checks and/or warrants, and, in general, exercises the functions of a secretary of an organized body.

In all except the smallest of districts it would be advisable to employ a person or designate an administrator to serve as clerk of the board and to maintain the district's financial records. However, such an employed clerk cannot function legally as the clerk of the board. The board member named as clerk is still required to function in signing approved minutes and other official documents.

c. Treasurer. By law the treasurer is custodian of the monies of the district, and the laws relating to school districts require that the treasurer be bonded. The bond must be filed with the clerk of the school board. (AS 14.14.020)

It is the responsibility of the treasurer to determine that no monies are expended except for purposes authorized by law and on checks or warrants signed by the clerk and countersigned by the president of the board, or those signators designated by the board. In larger school districts the school board may choose to delegate, by appropriate resolution, the authority for countersignature of checks or warrants to specifically designated school officials. In such cases, however, the designated officials must be under bond.

No board member may receive compensation for board services except the clerk, who may be compensated if actually performing all clerical functions for the board. It is recommended, however, that a non-member be employed as clerk if the volume of work appears to merit compensation. A paid member of the board may tend to assume authority which no single board member legally can possess.

B. Meetings

1. Regular Meetings

State laws relating to school districts establish no regular meeting date(s) for the school board. However, where practicable a school board should meet at least once a month. Since this *Manual for School Boards* is stipulated as an official guide for district schools (SDE 4-7) and has the effect of regulation, the following stipulations in regard to regular board meetings are in effect:

a. Each school board shall establish a specific regular meeting date, such as the first Tuesday, second Monday, etc., and this regular meeting date shall be *publicized and adhered to*. If the regular meeting is not held on this date because of unusual circumstances, public notice must be given as to the change in meeting date. (The statutes provide in AS 44.62.310 that "reasonable public notice shall be given for all public meetings . . .") Commissioner's memorandum number

C-68-24 (12/7/67) suggests that reasonable notice of regular meetings might b by posting or publication once or twice yearly with special postings or publication at least 24 hours preceding a special meeting.

The board shall also have a regular place for meetings. This place of meeting shall be a matter of public information. The room should be equipped with sufficient table space and chairs to accommodate the board and school administrators. The room should also be large enough to accommodate guests, committees, or the public who may attend the meetings. The record files of the school district should be readily accessible.

Regular and special meetings of the board shall be open to the public and the press. School boards may hold closed executive sessions from which the public and the press may be excluded only after first convening in regular or special session and determining by majority vote of the body to convene an executive session.

Only matters specifically excepted by law (AS 44.62.310) may be discussed in executive session. These matters generally can include those affecting finances or personnel, the public knowledge of which might prove adverse or prejudicial.

2. Special Board Meetings

Special board meetings may be called by the president or on a petition signed by a majority of the members. Such meetings should be held to a minimum and should be advertised and given all the publicity of regular meetings. They should be held in the regular meeting place unless otherwise specified in the meeting call and the location specifically publicized.

The only business which may be legally conducted at a special meeting is the business which is outlined in the call for the meeting. Each board member shall be given notice of the special meeting by personal contact at least 24 hours prior to the special meeting, or by mail postmarked at least three (3) days prior to the special meeting. Before conducting the business of a special meeting, it is advisable to have all board members sign a simple certification to the effect that they received due notice of the special meeting.

3. Quorum

A majority of the board constitutes a quorum. When a quorum is present, a majority of the members actually voting is sufficient to validate any matter under consideration. If a tie vote occurs, no legal action can be taken on that particular matter. The board president is a voting member but has no authority to cast a tie-breaking vote.

C. The Conduct of Meetings

1. Order of Business

The school board should establish an order of business for its meetings which should be made a part of the board by-laws. The following is a suggested order of business:

a. Call to order

b. Roll call

c. Establishment of a quorum

d. Reading, approval, and signing of minutes of the previous meeting, or approval and signing without reading if all members have been given an opportunity to read the minutes before the present meeting. Changes in, or additions to, the minutes should be made before the vote to approve the minutes.

e. Communications to and from the board

f. Hearing of individuals or groups. (Scheduling persons to be heard early in the meeting permits them to be heard without their having to wait for the board to conduct its other business.)

g. Regular report of the school administrator. (It is suggested that these reports be in two parts; (1) items for action together with appropriate recommendations, and, (2) items of information.)

h. Unfinished business from previous meetings

i. New Business

j. Bills, financial statement, personnel report.

k. Miscellaneous

l. Adjournment

In conducting the meeting of the board, the board should be governed by simple rules and parliamentary procedure. The board should adopt a standard manual, such as *Roberts' Rules of Order* as a guide.

2. Board Meeting Agenda

An agenda should be prepared in writing and distributed to board members and news media several days in advance of each school board meeting. In most school districts this agenda can be prepared by the school administrator and can be cleared with the president of the board before final preparation. In many instances it may be desirable for the administrator to furnish some supporting or explanatory information to the board in memorandum form for each item of business to be considered.

Some individual school board members may want certain matters discussed at a board meeting. In this case they should notify the president or school administrator in advance so that the item may be included on the agenda. A deadline should be established for the submission of materials for the agenda, but it ought not to be so strict that emergency matters cannot be discussed if they develop too late for inclusion on the agenda.

The prime purpose of an agenda is to keep a meeting concerned with those matters of making and evaluating policy which are the main concern of a school board meeting. The many and varied

details of executing policy which should be delegated to the administrator and staff should be eliminated from the meetings.

The following is a sample agenda for a school board meeting:

SAMPLE AGENDA
ARCTIC BOROUGH SCHCOL BOARD MEETING
MONDAY, NOVEMBER 8, 1976

Board Members: George A. McGuire, President
Genevieve Manson, Treasurer
William R. Smith, Clerk
Julie Confield
Margaret Fields

The next regular meeting of the Arctic Borough School Board will be Monday, November 8, 1976, at 8:00 P.M. in Room 115, Main School Building.

The following agenda is suggested:

1. Call to order, roll call

2. Approval of minutes of regular meeting held Monday, October 11, 1976.

3. Hearing recommendations from the municipal Library Board concerning use of the Library basement for additional temporary classroom space. Of major concern is an arrangement for janitorial services.

4. Presentation of recommendations by Junior High Principal, Marilyn Bark, regarding the music program in the junior high school.

5. Superintendent's Report

6. Decision regarding use of school facilities by individuals for private parties. (Recommendation of Superintendent Baxter attached.)

7. Decision on school safety patrol. (Recommendation of Superintendent Baxter attached.)

8. Policy regarding married students in high schools:

   This policy is needed in order to control the length of time married high school students must attend in order to graduate. Normally, we require a full 4-year attendance, and courses are planned to use the full time.

   There are now four married students attending our high school who wish to complete the requirements in 3½ years. The policy should be decided not only to cover these cases but to handle similar cases in the future. A staff review and recommen-

dation is attached.

9. Resolution regarding the awarding of contract for the new Addition to the High School (Resolution attached).

10. Consideration of bills, financial statement, personnel report.

(All names and places are fictitious. Any reference to real persons or places is purely coincidental.)

3. School Board Minutes

Accurate records must be kept of school board meetings in order that the decisions and actions may be a matter of record. The minutes should state whether the session was a regular or special meeting and the date, time, and place. If it was a special meeting, the minutes should also state by whom it was called and how the members were notified. As previously indicated under Item B, 2, of this Chapter, it is advisable to have a certification signed by the board members relative to special meetings. The minutes should also show the names of school board members and school officials present at all meetings.

The minutes are the only official record of board action. Therefore, there should be a scrupulous recording of the actual words of each motion and the disposition of it. In recording motions the minutes should indicate by whom the motion was made and seconded. The vote on all motions should be taken by roll call wherein the actual vote of each member, including the president, is recorded.

Oral commitments or general or unrecorded understandings relative to a matter have no validity. Lengthy documents, such as contracts, resolutions, reports, and other materials which are recognized in the minutes, may be referred to by reference notations in the official record and filed elsewhere.

The minutes should be kept in a permanent minute book and, following approval, they should be duly signed by the board president and clerk. A system of coding the official minutes through the use of marginal notes and a regular index should be developed.

Some school districts follow the procedure of sending out copies of the minutes of the past regular meeting and interim special meetings with the agenda for the next regular meeting. Such a practice makes it possible for board members to review the minutes prior to the board meeting and a vote of approval may be quickly taken if there are no corrections or alterations.

The minutes of the board should include a list of all bills approved for payment and a list of other financial transactions approved by the board. The listing of bills and financial transactions in a larger school district may be separately made but should be included by reference in the board minutes.

All personnel actions should be recorded in the minutes.

A sample form for board minutes and marginal notations follows:

SAMPLE MINUTES
ARCTIC BOROUGH SCHOOL BOARD MEETING
NOVEMBER 8, 1976

Members Present: George A. McGuire, President
Genevieve Manson, Treasurer
Julie Confield
Margaret Fields

CALL TO ORDER

The meeting was called to order by President McGuire at 8:10 P.M. in Room 115, Main School Building, and the minutes of the regular meeting of October 11 were read and approved.

MINUTES READ, APPROVED

President McGuire noted that Mr. Smith has requested to be excused from the meeting because of out-of-town business.

PROPOSAL FOR USE OF LIBRARY SPACE

Jay Monson, President of the Municipal Library Board, appeared before the Board to offer the use of space in the Library basement for two elementary classrooms. Restroom facilities are available, and the Fire Chief has indicated that sufficient exits are available. It was generally agreed that the school district would provide necessary partitioning, sound insulation, and other necessary remodeling under plans to be approved by the Library Board. Janitorial service and all utilities would be provided by the Library Board. The maintenance and use charge would be $125/month for a six-month period with option to renew for the next school year at the same rate.

ACTION

The Board instructed the Superintendent to have an agreement drafted for approval by the Library Board and subsequent approval by the School Board at the next regular meeting.

MUSIC PROGRAM PROPOSAL

Marilyn Bark, Junior High School Principal, proposed an expansion of the junior high music program by providing after school stringed instrument instruction. A qualified teacher can be secured on an hourly basis and Superintendent Baxter noted that budget funds are available to cover the cost.

ACTION

It was moved by Fields, seconded by Manson, that the proposed music program be implemented at once.

Roll Call: Manson, Fields, Confield, McGuire-Aye. No Nays. Motion carried.

SUPERINTENDENT'S REPORT

The Superintendent reported:

a. Enrollments as of October 30 were 987 in K-6, 410 in 7-9, and 189 in 9-12.

b. The elementary committee for revising the mathematics curriculum had prepared an analysis of test scores showing areas of strength and weakness and had prepared guidelines for each grade level. (Copies of the report were given to the Board.)

c. The October 30 Foundation Report to the State was ready for Board signature. The District will receive about $20,000 additional State funds because of increased enrollments.

d. The Superintendent had been requested to be on the program for the annual meeting of the Northwest Regional Accrediting Association to discuss teacher certification. Approval of the out-of-state travel was requested.

ACTION

It was moved by Confield, seconded by Fields that the Superintendent be authorized to travel to Reno, Nevada, for the Northwest Regional Accrediting Association meeting December 8-12.

Roll Call: Manson, Fields, Confield, McGuire - Aye. No Nays. Motion carried.

e. Arrangements had been made with the Borough Chairman for a joint board-assembly work session on Monday, to review enrollment projections and projected building needs. Upon inquiry by President McGuire the board concurred in the proposed work session date.

USE OF SCHOOL FACILITIES FOR PRIVATE PARTIES

Superintendent Baxter referred to a memorandum on the subject of use of school facilities by individuals for private parties (copy attached for reference). It was noted that the present board policy statements on use of school facilities are silent on this point. The Superintendent recommended that the two pending requests which occasioned the agenda item be denied and that the proposed statement of policy be officially considered for adoption at the next regular meeting.

ACTION

It was moved by Manson, seconded by Confield that the above recommendation be approved.

Roll Call: Manson, Confield, McGuire - Aye. Fields - Nay. Motion carried.

Fields noted for the record that her vote of nay was based on the fact that the individuals seeking permission were not present to be heard. Superintendent Baxter stated that they had been informed of their right to be heard but had not so requested.

MARRIED STUDENTS

High School Principal, John West, presented a staff review and recommended policy on the length of time married students must attend in order to graduate from high school. The practices in other high schools in the State and other states had been investigated. He recommended addition of the following statement to the written board policies:

"Married students may be permitted to graduate with only five semesters of senior high school attendance provided that all required subjects and sufficient credits have been completed or can be completed by correspondence or home study before the regular graduation dates."

ACTION

It was moved by Fields, seconded by Confield, that the above stated policy be adopted.

Roll Call: Manson, Fields, Confield, McGuire - Ayes. No Nays. Motion carried.

CONSTRUCTION CONTRACT

Superintendent Baxter presented a proposed resolution covering the award of contract for the addition to the high school.

ACTION

It was moved by Confield, seconded by Fields to approve the resolution awarding a construction contract to the Brown Construction Company, subject to ratification by the Arctic Borough Assembly.

Roll Call: Manson, Fields, Confield, McGuire - Ayes. No Nays. Motion carried.

TREASURER'S REPORT

The financial statement and Treasurer's Report were presented by Business Manager Lee Evans. The list of bills was also presented.

ACTION

It was moved by Manson, seconded by Confield, to accept the financial statement and Treasurer's report and to approve the bills for payment.

Roll Call: Manson, Fields, Confield, McGuire - Ayes. No Nays. Motion carried.

Superintendent Baxter presented the personnel report as follows: PERSONNEL REPORT

Resignations - Joy Smith, 3rd grade teacher, effective Nov. 8, family illness

New employments - Nancy Morris, Kirkland, Washington, to replace Joy Smith

It was moved by Fields, seconded by Manson, to accept the resignation of Smith, and approve the employment of Morris. ACTION

Roll Call: Manson, Fields, Confield, McGuire - Ayes. No Nays. Motion carried.

The meeting adjourned at 10:30 P.M. ADJOURN

Attest: _____ _____

George A. McGuire
President of the Board

William R. Smith
Clerk of the Board

(All names and places are fictitious. Any reference to real persons or places is purely coincidental.)

4. Expediting the Meeting

It is the responsibility of the school board president to keep the meeting moving according to the order of business and agenda. The tone of the meeting should always be businesslike and extraneous conversation should be avoided. While considerable time sometimes must be spent in listening to individuals and groups, the president should attempt to keep any presentations and discussions on an entirely businesslike basis. If several persons are to be heard it may be necessary to set time limits.

Discussions by board members and visitors to the board meeting should be impersonal. While policies may be criticized and opposed, a member of the school board should not be subject to open criticism in a board meeting.

The school board should require the administrator to prepare or assemble necessary reports and materials, both oral and written, so that they may have full information available for making decisions. Written reports and substantiating materials covering various matters on the board agenda should, if possible, be submitted along with the agenda prior to the meeting. Presenting such reports in writing will speed consideration of the items involved.

The board should require definite recommendations from the administrator. A capable administrator usually will have researched the subject thoroughly, will have reviewed it with the staff, and will present a recommendation which the administrator believes that board can and should accept. However, the board may see fit to request additional information, or in some cases to reject a recommendation.

5. The Administrator's Role in the Board Meeting

The administrator should usually be held responsible for the preparation of the agenda, the preparation of reports, the furnishing of information as requested, and should be prepared to make positive recommendations. The administrator should not in any case conduct the board meeting or attempt to "take over" the conduct of board business. He or she is the executive officer for and advisor to the board only.

The school administrator, as the board's executive officer and chief professional advisor, should attend all meetings of the board and all committee meetings. The only exception may be when the board considers the school administrator's position or salary. He or she is the board's professional advisor and should be expected to enter into the discussions freely. The administrator's opinion should always be considered by the board, but when the board does not support his or her stand on a particular matter, it should not be considered as an indication of lack of support or lack of confidence in the administrator.

D. School Board Committees

The board should usually operate as a committee of the whole, and there should be no standing committees. Only under unusual circumstances should there be a necessity for the appointment of special committees. Any special committee should only be appointed for a special purpose and should be automatically discharged as soon as the special project has been completed.

A committee system fosters a divided rather than a centralized or correlated board and tends to postpone action by the board. A committee can be given no particular delegated powers and any action taken by a committee can be valid only after a quorum of the board has passed upon it in regular or special meeting.

E. Visitors to Board Meetings

All board meetings must be open to the public with the exception of special executive sessions. The people in the community have every right to observe the workings of the board while in session. The time and place of regular and special meetings must be a matter of public information. The calling of executive sessions following or during a regular or special meeting to discuss personnel matters, financial matters, or site selections prior to public announcement, will usually present no problem if the school board at other times shows every consideration to the public in the transaction of its regular routine business.

Problems may arise in school districts if the public comes to a board meeting with the attitude that the presentation of controversial matters for consideration in effect constitutes a "hearing". Some board members may also view presentations of controversial matters in the same manner. The public and board members should take the attitude that controversial matters can and should be discussed objectively with a minimum of personal involvement.

The board should establish through its by-laws the procedure that petitions and requests for an audience by individuals or delegations be directed to the administrator. Such requests should come to the administrator's office several days in advance of a meeting so that the matter can

be placed on the regular board agenda. Such advance request also gives the administrator time to accumulate factual information relative to the problems to be discussed.

The board and school administrator should treat every request with courtesy. When visitors come to a board meeting and have a place in the agenda, they should be given an opportunity to be heard as soon as possible so that they may leave before the end of the meeting.

F. Use of Legal Counsel

There is considerable difference of opinion as to whether legal counsel should be available at all board meetings. Smaller school districts usually cannot afford the services of full-time legal counsel or such is not readily available. Larger school districts often retain counsel on a full-time or part-time retainer basis. Even small school districts should have some funds budgeted for procuring legal counsel when such is necessary.

In some districts the school board may use the city or borough attorney. However, nothing in the statutes or regulations precludes the school board from obtaining independent legal services.

It is important that boards give particular attention to legality in order that questions raised later may not lead to the invalidation of board action. A school administrator who has been adequately trained will be able to determine the apparent legality of many proposals and may consult legal references available before asking interpretation from legal counsel.

In Alaska there are various interpretations and opinions of the Department of Law on matters of school law and procedure which are available to school districts through the Department of Education. The Department of Law, however, will not give an opinion directly to a school district, and if requested to do so will state that the school district must get such an opinion from its own legal counsel. The Department of Law does issue opinions to the Commissioner of Education on school district questions which are statewide in nature.

G. School Board Records

The school board shall establish a regular meeting place and shall maintain all records, vouchers, and other important papers in the place of regular meeting or the regular school office. These are vital records and should be adequately safeguarded from fire or other loss. *They should never be kept in the home of an individual board member.* The records shall be open at all times for the inspection of any citizen who makes inquiry.

There is outlined below a suggested minimum list of records which should be kept by the board and available to the board at their regular meeting place.

1. Minutes of official board meetings.

2. Copy of the budget and current financial statements.

3. Contracts- -construction, etc. (Unless held by the municipality)

4. Deeds. (Unless held by the municipality)

5. Records of insurance policies. (Unless held by the municipality)

6. Statements of policies, rules and regulations.

7. *Rules and Regulations* and the *Compiled School Laws.*

8. A file of board correspondence.

Auxiliary records normally kept by the administrator or unit principals such as teacher personnel records, student personnel records, and records of receipts and disbursements from special funds such as school lunch and athletic funds should be kept convenient to the place of majority use.

The problem of how long to keep school records is one that faces school districts annually The following recommendations are reasonable and minimal:

1. Any records dealing with the organization or boundary changes of school districts should be kept indefinitely. (May be retained by City or Borough Clerk.)

2. The books containing minutes of all regular and special meetings should also be retained indefinitely.

3. Paid bills and correspondence pertaining to them may be safely destroyed after seven years.

4. Routine correspondence, teachers' records of attendance and other such matters may be destroyed after five years.

5. Records of pupils as to yearly grades, graduation, etc., should be kept indefinitely. Larger districts may need to convert their records to microfilm.

6. Records of service of teachers should be kept indefinitely.

7. Teachers' contracts and other legal obligations except bonds may be destroyed after ten years.

8. Paid orders or checks should be held seven years.

9. Bonds and coupons and records pertaining to bond issues should be held twenty years after clearance. (Will usually be the responsibility of the City or Borough.)

10. All account books should be held seven years.

In case of doubt concerning retention of fiscal records, consult the fiscal auditor. Some grants may specify the length of time records must be retained.

For proper safeguarding of district minutes, legal and financial records, a vault or fire resistant safe is recommended. Pupil personnel records, particularly cumulative records of yearly grades, should be safeguarded in vaults or fire resistant files. Both teacher and pupil personnel records need to be located and protected to insure confidentiality.

CHAPTER IV

THE SCHOOL BOARD AND THE SCHOOL ADMINISTRATOR

A. Selection of The School Administrator

Along with the development of policy, perhaps the most important function of the school board is the selection of the chief school administrator. Once selected, the board must help the administrator to work effectively. In every phase of school district management the administrator is the person to whom the board should look for leadership, guidance, and recommendation.

While the board is responsible for the conduct of the school and for all that occurs in it, it is recognized that school board members are not trained in the technical aspects of school administration. Therefore, they select an administrator who has had training and experience in school administration. It is the administrator's responsibility to advise the board on sound educational procedures.

When a vacancy exists for a school administrator the board should set forth the criteria which they will use in their selection. These criteria should include a statement of the experience and extent of training which they will require and any other professional qualifications which they feel are necessary. The position announcement should also include a reference to the salary range for the position. The board might require applications to include any of the following:

1. Transcripts of all college work.

2. Evidence of current certification as a superintendent in Alaska or evidence of university endorsement for having completed an approved program in the superintendency from an accredited university in conformity to NASDTEC standards.

3. A resume which includes:

   a. vital statistics (name, address, phone numbers)

   b. a complete statement of employment history describing position responsibilities

   c. expression of successful living/work experience, if any, with different cultures/ethnic groups is desirable but not required

   d. evidence of experience with new or innovative programs

   e. evidence of a working knowledge of various federal programs

   f. evidence of experience in teacher negotiations

   g. evidence of primary responsibility for the fiscal management of a school district

   h. names and addresses of at least three references who have knowledge of the applicant's professional competence, academic record, and ability to effectively communicate and

work with groups representing diverse cultures and ethnic backgrounds

State law (AS 14.20.230) sets forth a formula for computing the salary of a chief school administrator. The law sets forth the legal minimum; school districts may pay above the minimum salary in order to secure a capable and qualified administrator.

Alaska law (AS 14.20.130) provides that a superintendent may be employed for up to a three-year contract term. This is not mandatory and the board may desire to employ a superintendent for less than that period. The rationale for a three year contract is to insure continuity in educational leadership for the district.

B. The Superintendent: Executive Officer and Advisor

Legislation of policies and evaluation are the most important functions of the school board. Implementation of policies is traditionally left to the school administrator. The function of the school board is not to run the schools, but to see that they are run effectively. A competent school administrator should be granted much freedom in managing the school system within established policies and should be held responsible for results.

The following are the major functions of the administrator:

1. Policy Implementation: The administrator carries out all policies and rules of the board. In cases not specifically covered, he or she takes appropriate action and reports the action to the board at its next regular meeting. The administrator serves as the board's chief executive officer.

2. Employee Supervision: All individuals employed by the board should be directly responsible to the administrator or a designee. He or she makes such rules and regulations and gives such instructions to employees as are necessary to make board policies effective. These rules and regulations should be assembled in written form available to all employees and for the information of the board. The superintendent may delegate responsibilities and assign duties.

3. Board Meetings: The administrator is present at all meetings and acts as an advisory officer to the board.

4. Budget Preparation and Financial Management: The administrator prepares and submits an annual budget to the board for consideration and approval. Once the budget is approved, the administrator, in accord with board policies, has the power to make all purchases and expenditures under suitable and accepted accounting procedures. The superintendent establishes and operates the financial operations of the school district in accord with budget provisions, wise use of funds, and legal obligations.

5. Hiring: The administrator submits recommendations for all candidates for employment. While the board may reject specific candidates, they employ only upon his or her recommendation.

6. Personnel Rules: The administrator executes personnel policies for the efficient functioning of the staff in accordance with the written by-laws of the board.

7. Educational Leadership: The administrator provides professional leadership for the educational program and recommends necessary changes in educational policies for consideration and approval of the board. He or she must have the skill to translate the policies of the board into action. A board should expect its superintendent to devote much thought and time to the improvement of instruction, and to be alert to possible program improvements.

8. Education Reports: The administrator keeps the board fully informed by regularly reporting on all aspects of the educational program.

9. Plant Improvement: The administrator develops plans for maintenance, improvement or expansion of buildings and site facilities.

10. Community Relations: The administrator regularly informs the community about school matters and serves as a representative of the schools before the public.

11. Inventory: The administrator keeps a continuous inventory of all property, furniture, and supplies of the school district, and recommends for purchase appropriate equipment, books and supplies.

12. School Calendar: The administrator submits a school calendar for board approval well in advance of the start of each school year.

13. Annual Report: The administrator submits an annual report to the board covering the operation of the school system and submits such special reports as requested by the board.

14. Staff Organization Chart: In larger school districts, the administrator prepares a staff organization chart and submits it to the board for approval. In these districts, assistant superintendents are sometimes appointed for business management, personnel selection and administration, or curriculum development and supervision. For effective administration these assistants or specialists must be directly responsible to the administrator, not to the board.

15. Staff Evaluation: In accordance with Department of Education regulations, the administrator is responsible for implementing a formal staff evaluation (Chapter 19, *Department of Education Rules and Regulations*).

Along with the administrator's competent performance of these major job functions, the board may also expect the administrator to display the following qualities:

1. Honesty – all of the time, about everything. The administrator must provide honest options. Board members should be alerted to potential problems; they have a right to full and complete information presented in an understandable manner.

2. Respect for the board. The administrator should value the role of the board, not regard it as a necessary occupational hazard. If overruled on a problem or action, the administrator should yield with good will and to his or her best ability implement the policy passed by the board.

3. A clear understanding of the difference between making of policy and administering policy. A good administrator will insist that board members receive training in policy development

just as the administrator receives training in the skills needed for the day-to-day operations of the schools.

4. A deep concern about children.

5. Ability to communicate clearly and concisely.

C. The Board's Relationship With Its Chief Administrator

In general, the way a board handles its relationship with the chief administrator is one of the keys to creating a school district which works. The board must create a climate in which a superintendent can be effective. Not only must they be careful in their initial selection of an administrator, but they must allow their superintendent sufficient time in the position to create a strong administrative team. Most important is communication and mutual respect between the board and the superintendent. Without mutual trust and respect, neither the board nor the superintendent will be effective.

More specifically, the superintendent should be able to expect the board to do the following:

1. To assist the superintendent with counsel and advice, with the benefit of its judgment, business experience and familiarity with the local school system and the community. Also, to consult with the superintendent on all matters concerning the school system which the board is considering or about which it proposes to take action.

2. To delegate to the superintendent responsibility for all executive functions, to refrain from handling directly any administrative details, and to give the superintendent authority commensurate with the responsibilities.

3. To make all employees of the school system subordinate to the superintendent, to refrain from any direct dealings with any of them, and to inquire and receive all reports from them through the superintendent.

4. To refer all applications, complaints and other communications, oral or written, to the superintendent, except when such may come to the board, in meeting, on appeal from decisions of the superintendent.

5. To provide adequate safeguards for the superintendent and other personnel so that they may perform their proper functions on a professional basis. This involves, particularly, supporting the superintendent in efforts to protect the personnel and the schools from individuals and organizations seeking to exploit the schools for selfish reasons.

6. To support the superintendent loyally and actively in all decisions and actions conformable to proper professional standards and the announced policy of the board, and to accept full responsibility for administrative acts authorized by, or resulting from, the policies of the board.

7. To hold the superintendent strictly responsible for the administration of the schools, to require him or her to keep the board fully informed at all times, through both written and

oral reports, to review and appraise the results of his or her work, and to admonish him or her when any methods or procedures do not meet with the approval of the board.

8. To provide the superintendent with adequate clerical help and physical facilities necessary for the successful functioning of the administrative office.

9. To listen to the superintendent's recommendations on problems and issues considered by the board.

10. To develop, in cooperation with the superintendent, a set of criteria which are used as the basis for evaluating the performance of the superintendent at least once annually.

11. To recognize the professional development and continued service of the superintendent by commensurate salary increases, if evaluation is favorable. The superintendent's salary should be commensurate with the importance and vulnerability of the position. The superintendent is highly visible politically and is publicly accountable.

12. If, after fair and impartial appraisal and due admonishment, the board is convinced that the superintendent's services do not meet with its approval, to notify him or her kindly and courteously, and as far in advance as possible, that a change must be made, and to replace him or her with a carefully selected new superintendent.

Under the Alaska Statutes there are no special provisions governing the retention or tenure of administrators. By definition the administrator is considered a "teacher" and, therefore, has all the tenure rights of teachers under the provisions of AS 14.20.100-210. While there have not been court cases in Alaska on the question of tenure rights as a superintendent, it is generally held that tenure insures *a* position, not *the* position. Under such an interpretation a superintendent might be retained as a principal, supervisor, or teacher at the salary his training and experience would command in the scale for that position.

CHAPTER V

THE SCHOOL BOARD AND PERSONNEL SELECTION

A. Introduction

In smaller school districts the school board is concerned only with the selection of a school administrator, a few teachers, and a small janitorial staff. In the larger districts several hundred people may work for the school and the problem of personnel selection and recruitment becomes complex. In either case the proper recruitment and selection of school personnel is of major concern to the board. The school board should create and approve the positions which are necessary to carry on the services vital to educational delivery in the community.

B. Selection and Employment of Certificated Personnel

The first area of board responsibility is selecting a chief school administrator. The board, acting on the advice of the superintendent, must next facilitate staff selection and recruitment for both certificated and classified personnel. The number of personnel to be employed must be determined by the needs of the program and by that which can be financed.

Selection and employment of certificated personnel is the duty of the superintendent who proceeds with the board's approval. Boards should not make commitments to prospective teachers directly. Certificated personnel, tenured and non-tenured, may include assistant superintendents; principals or principal teachers; supervisors such as special education director, vocational director, federal program director; and instructional staff such as classroom teachers, resource teachers, counselors and recognized experts. By state law, school boards must hire certificated staff to fill teaching positions. Certificated personnel are those individuals employed in the districts that have been licensed by the Alaska Department of Education to work in education. In employing that staff, the board must abide by federal and state laws and regulations regarding selection and working conditions. Conditions of employment at present for all employees are either negotiated, established by board policy or by State of Alaska laws. Chapter 20 of *Complied School Laws* will supply the legislated requirements that must be included under conditions of employment for certificated personnel.

Certificated personnel obtain tenure on the first day of their third year of teaching in the school district. Teachers that have not achieved tenure are referred to as non-tenured teachers, with the major difference between the two classifications being the retention or more exactly the non-retention procedures to be used in a dismissal. Chapter 20, Section 14.20.170-210, in *Compiled School Laws* spells out the specific procedures and should be reviewed to clarify any questions regarding the district's relationship to tenured and non-tenured personnel.

Well-established personnel policies skillfully and impartially implemented will serve to minimize problems in the dismissal or non-retention of teachers. Adequate evaluation records together with personal conferences and dialoque should precede action. If an impasse appears inevitable the board would be well-advised to secure competent legal advice prior to taking dismissal or non-retention action.

C. Selection and Employment of Classified Personnel

Sound administration and fair employment practices mandate that there be a systematic and organized system of personnel management regarding classified (non-certificated) employees of a school district. The school board responsibility is to set policy and retain final decision making authority in such areas as establishment of employment conditions, hiring, salary schedules, part time and temporary employment, and termination of employees. The administrative staff has the responsibility to put those policies into action. To set policy, the board must first identify the needs of the district and then set policies accordingly.

Classified personnel may include: business administration such as business manager or administrative assistant and clerical/accts; instructional support such as para-professional and teacher aide; maintenance personnel; custodian and food services such as cook and helpers.

Clerical staff for the school administrator's office, to conduct the business affairs of the school district, and to provide necessary clerical help for the instructional program may be needed. The decision on whether to employ clerical help to relieve administrators and teachers of clerical work will depend upon the policies of the board and upon the availability of funds. In general, many boards can improve the quality of the educational program by the employment of non-teaching personnel to relieve the professionally trained staff of these duties.

Policies that need to be established by the board regarding the conditions of employment for all classified personnel should include the following areas:

1. Benefits, such as insurance, retirement, annual and sick leave
2. Transfers
3. Permanent part time employment
4. Temporary employment
5. Travel
6. Housing
7. Per diem
8. Termination
9. Promotion
10. Salaries
11. Length and schedule of work week
12. Overtime payments (eligibility for overtime work)
13. Reporting relationships

These policies should be clarified in writing and made easily available to all personnel. The policies and actions of the board may have a tremendous effect upon the morale of the staff and, therefore, affect materially the success of the school program. The board should be concerned that good working conditions are maintained. The health and physical welfare of all employees and their employment conditions should be considered. Personnel management is a key factor in the success of the school program.

Good morale can be built in many ways and will result in high quality staff performance. Sound personnel policies and sound personnel relations result from an interest of the school board in the individual, coupled with respect and understanding. Time spent in treating all employees with consideration and recognition of their essential worth will pay dividends in the ultimate success of a school program.

In addition to the previously mentioned policy areas, the board must direct the administrator to establish job specifications in written form for all positions and, second, must set a policy of nondiscrimination in employment practices. Job specifications should be in written form. They serve not only as guides to the duties and responsibilities of a specific position, but also document the district's fair employment practices. All qualifications for a job must be related to actual job performance. Thus the establishment of job specifications forms the basis for recruitment carried out by the administrator. If recruitment is based on job specifications, employment needs can be planned and identified in advance, promotional opportunities can be identified, and employment practices will comply with state and federal laws prohibiting discrimination.

Job application forms should also be developed. Forms may require only that information pertinent to the job, such as past work experience. State and federal law prohibit requiring certain types of information, e.g., religious or political affiliation, race or ancestry, membership in fraternal organizations. (AS 14.20.100 and AS 39.05.150)

To handle disagreements or disputes that are not covered in negotiated contracts, the board will want to set up a "complaint" process to give all employees the opportunity to resolve problems which cannot be resolved by the grievant and the immediate supervisor. This general complaint procedure is one of "due process", in which all people involved honor the rights of others. Boards must be very careful that their policies do not violate the legal rights of employees as citizens or their employee rights as established by law (AS 14.20.180).

The dismissal of non-certificated school employees must be handled with regard to "due process". The outline of job responsibilities, and the rules and regulations governing classified employees must be clear and in written form so that the reasons for dismissal may be clearly set forth and documented. An opportunity should be given to any employee proposed for dismissal to have a hearing before the board upon his or her request.

D. The Selection Process

Using policy set by the board, the administration has the responsibility to select and recruit employees; with the board approving or disapproving the nominations. An employee is not officially employed until his or her name is listed in the official minutes of the board.

The board individually or collectively may question the specifications for a job or the qualifications of the nominee, and the whole board has the prerogative of refusing to appoint the applicant as recommended by the administrator. In such case the board should then request the administrator to submit another nominee. If it develops that generally the board questions the ability of the administrator to select personnel, it should then employ another administrator.

If the board has established, with the guidance of the school administrator, actual personnel policies and job specifications, the process of obtaining a staff should be relatively smooth. The administrator's nominations in accordance with these written policies should be based on objective standards and should not be on the considerations of personal acquaintanceship, friendship, the applicant's need for a job, place of residence or marital status, or political, social, or religious affiliations. It is not the business of the school district to furnish employment for anyone, but to make selections to the staff on the basis of who will give the best returns on educational results.

While the State establishes standards for certification of professional staff members and may establish some particular qualifications for non-professional staff members, the local school board may add to these provisions as it sees fit. The board may also stipulate special requirements in regard to summer school attendance. It should be emphasized that any supplementary qualifications should be entirely professional and not personal. Matters of residence, marital status, etc., usually have no direct bearing on teaching or job efficiency. In addition,use of any of these factors as job qualifications is in violation of civil rights.

In some smaller school districts school administrators are not presently employed on a full-year basis. Ultimately the employment of the school administrator, even in small districts, should be on a full-year basis. The value which accrues to the school district through the services of a full-time administrator should more than offset any additional school district cost.

In the event that a school district does not have the services of a school administrator over the summer months when faced with the problem of obtaining staff, the board should designate one of its members, probably the clerk, to send out notices of vacancies, to receive applications, and to secure references and credentials, and to present names to the board for consideration. Sources to be contacted in obtaining teachers include placement bureaus of colleges and universities and teachers' agencies. NEA Alaska will also refer potential teachers to requesting districts.

E. Contracted Services

Besides the employment of a superintendent, certificated personnel and classified personnel, school boards may also want to consider the use of contracted personnel for short-term or specialized jobs.

F. Substitute and Temporary Employees

The school board should adopt policies relating to the employment of substitute and temporary teachers and other substitute school employees. Alaska law does not require that substitute teachers be certified. The school board may well desire to set up certain specifications for employment of such substitutes.

G. The Board's Relation to Individual Employees

The school board initially has a role in assisting the administrator and staff to orient new teachers to the school district. However, in regard to relations with individual employees, the board should avoid dealing with school employees and should generally deal through the school administrator. The personnel policies of the board should be explicit in stating the channels of communication for grievances from any employee in the system.

In the matter of hearing individual or groups of employees who object to rulings of the administrator, it is possible that attempts will be made to enter complaints with an individual board member or to the board without reference to the administrator. In these cases the board member should state that the employee should request an opportunity to appear to present complaints in a meeting where the administrator is present and can reply. In no case is an individual board member justified in "conducting a hearing" or expressing an individual opinion upon the complaint of an individual employee.

State law requires that no member of a school board or their immediate family may be employed by the district, except by waiver (AS 14.14.150).

CHAPTER VI

THE SCHOOL BOARD AND COLLECTIVE NEGOTIATIONS

A. The Board's Responsibility

Probably no single matter concerned with schools presently occupies as much attention as that of collective negotiations with teachers. Most school boards, large and small, have in some sense of the term negotiated with teachers --formally or informally, singly or in groups, poorly or well - for many years. Since 1970 negotiations have been authorized by law. A duly elected and certified school board is mandated by law to represent the public good in negotiating with school teachers ". . . matters pertaining to their employment and the fulfillment of their professional duties." (AS 14.20.550). Collective bargaining, or negotiations, is a process, or series of activities, that can be quite informal and simple, or extremely formal and complex. A board may negotiate with teachers locally, or use an optional, coordinated method. (See AS 14.20.555 for details on optional coordinated employee negotiations).

B. Professional Teacher Associations

Teachers have long been affiliated with their professional associations, largely the National Education Association and its departments and affiliates which include State and local associations. Within the past decade there has been increasing membership in the American Federation of Teachers and its affiliated local unions, a system associated with the AFL–CIO labor union organization.

The NEA regards itself as a professional organization. It has many departments and commissions related to a great many special areas of educational work. For many years its efforts were directed largely toward the improvement of education as a whole and to a lesser extent to the direct welfare of teachers. However, the organization and its affiliates in the past few years have become increasingly militant in promoting teacher welfare through demands for what they term professional negotiations. The AFT is an avowed union organization and makes no apologies for its nearly exclusive attention to teacher welfare. The NEA, or the AFT, or yet another organization may be selected by certificated employees to represent them in negotiations. In any case, the certificated staff will present to the board an affidavit stating that a bargaining agent has been selected by a majority of the certificated staff in the district. (The procedure is detailed in AS 14.20.560) The board must then recognize that bargaining agent. Negotiations may be then initiated by either party as provided by AS 14.20.560.

Certificated administrative personnel groups, including principals and assistant principals, may choose to negotiate independently of the other certificated personnel (AS 14.20.560).

Teachers for the most part see educational work as a lifetime professional career. They believe strongly that teachers must have a hand in making decisions vital to the status of their profession and affecting the quality of service they render. This desire to participate in policy formulation and decision making predominantly expresses itself in matters relating to the professional status of teachers such as terms of employment, tenure, salaries, instructional facilities, and working conditions.

C. Basic Considerations and Guidelines

The basic obligation of the school board is to provide a high quality educational program for the children and youth of the school district. In carrying out this obligation the board must give serious consideration to their relative responsibilities to the children, the teachers, and the public. Any actions it takes must insure that the interests of children remain paramount, that the rights and benefits of teachers are given due and serious consideration, and that the public interest is protected.

Superintendent George W. Brown of Webster Groves, Missouri, has been quoted as saying: "It may seem peculiar, and unfair, but the general public will only support education if it benefits their children. They do not object if it also benefits teachers, but they will not pay the bill *just to benefit* teachers."

Predicated on the above assumptions, it is recommended that these basic considerations guide Alaska school boards:

1. Teachers and classified (non-certificated) employees have the right to be represented by legitimate organizations of their own choosing and to request recognition for purposes of collective negotiations with the employing board.

2. The response of a board and administration to a staff proposal for recognition and for collective negotiations should be one of good will so that it becomes the basis for on-going and effective negotiation.

3. The agreement to negotiate should establish the scope of negotiable matters, the composition of the negotiating teams, and orderly procedures for the actual negotiation process.

4. The agreement to negotiate and the final (collective) agreement must be within the framework of existing laws and regulations, and board policies.

5. Effective procedures should be established for the settlement of disputes which may arise in the negotiations process or in the administration of agreements reached.

6. Any form of concerted withdrawal of services or hindrance of school operation is inappropriate, and regulatory or legal relief should be sought by boards when and if this action occurs.

D. Who Represents the Board at the Negotiations Table?

The responsibility for negotiations is the board's responsibility. If they choose to delegate this responsibility they may do so. However, as parties to the negotiation process, both the board *and* the certificated employees must accept the result of the negotiations effort before any certificated employee contract is binding on the district. If the board chooses not to accept the proposed negotiations agreement, they have that right, and AS 14.20.470 and 560 provides them with a method to resolve their employee negotiations impasse.

The usual procedure for the selection of the board's negotiations team is through a joint effort of the board and its chief school administrator. The team may include representatives from the board, the administration, legal council and a professional negotiator. The board should recognize that it can exert no influence over the selection of the employees' bargaining team or agent. Neither team may select more than five representatives each to negotiate for it.

E. How do Negotiations Begin?

The negotiations teams for the board and the certificated staff should meet at a mutually agreeable time and place to negotiate a procedural agreement which will spell out the ground rules by which the negotiations process will be conducted. Some items which might be considered for inclusion in this document are: (1) A recognition clause that recognizes the certified bargaining agent as the only bargaining agent for the certificated staff. (2) The time and place for the negotiating meetings, a statement covering whether or not the meetings should be open or closed to the public. (3) Whether or not to have recordings or transcripts of the meetings. (4) How to arrive at agreements. (5) How impasse is reached. (6) How much time to be allocated for each meeting. (7) How press releases will be handled. (8) Mutually agreeable procedure for ratification of the negotiated agreement.

Time spent in arriving at agreements as to the what, who, and how of negotiations may well be the most valuably spent time of any. Certainly the negotiation of the actual matters of vital concern to the education of young should not, when in process, be impeded by bickering over details which should have been settled in advance.

The number of protective features which might be written into a negotiations agreement is unlimited. It is important, however, that the agreement assert that the board retains all rights which it has not specifically conceded in the agreement.

F. When do Negotiations Begin?

A school board shall, upon the written request of the employee bargaining organization, meet with the representative of the organization within 20 days of the request at a time and place to be mutually agreed upon. In the same manner, representatives of an employee bargaining organization are required to meet with a school board or its representatives within 20 days after receiving a written request.

The negotiating meeting may be held in executive session upon mutual agreement of both parties, but all final agreements shall be made at a public meeting of the school board.

G. What May or May Not be Negotiated?

AS 14.20.550 states that each city, borough and regional school board, shall negotiate with its certificated employees in good faith on matters pertaining to their employment and the fulfillment of their professional duties. There is a great deal of disagreement as to what the law really means as far as setting any limits to the scope of collective bargaining; therefore, each board will be faced with dealing with this issue at the local level.

There is not much question that salaries and wages, hours, and conditions of employment can be negotiated. However, boards should be careful to see that the legal responsibilities of the board are not subject to negotiation. When listing what may be negotiated avoid the use of vague general terms such as "problems of mutual concern".

H. Good Faith

At this point "good faith" becomes extremely important. "Good faith" is a term used to describe the attitude and conduct of both parties in the negotiating process; both parties enter the negotiations with intent to reach an agreement that is generally satisfactory to both sides. This concept is difficult to define legally or to enforce; however, it implies that the parties honestly and sincerely attempt to move toward agreement.

Boards must remember that while negotiations are to be carried out in good faith, this does *not* mean that the two parties will be in agreement. The law requires both parties to negotiate in good faith. This only means that they should be honest with each other in trying to find a fair solution to their differences. This also requires that answers be given to all requests or questions. The answer to a teacher group's request may well be "no", but the board's reason for saying "no" should also be offered. One side's refusal to consider or respond to an issue may be considered by the other side to be not negotiating in good faith.

I. Grievances

Every negotiated package must define grievances, or disagreements in which one person feels that he or she has been wronged, and provide a process, or grievance procedure for the fair treatment of the person who feels he or she has been wronged according to the negotiated definition of grievance. This applies only to the certificated staff. There may be several steps in this grievance procedure, but by state law the final step must be binding arbitration. This means that if the dispute cannot be settled to the satisfaction of both parties at a lower level, an impartial arbitrator shall be selected to hear both sides and make a decision that will be binding upon both sides. The selection of an arbitrator shall be a negotiated process.

J. Impasse

If problems develop during the collective bargaining process that forces both sides to admit that they cannot continue negotiating, then the negotiations have resulted in impasse, and the mediation process may be invoked in accordance with AS 14.20.570.

K. Mediation

Mediation is a very specific process and requires strict compliance with state statute. When the employee bargaining group or the school board request mediation in writing the mediation process is set in motion. (See AS 14.20.570 and .580 for details).

Boards must remember that the final negotiated package that is agreed to by the negotiating teams has to be approved by the board and the employee bargaining agency. The state now presently authorizes *but does not require* mediation by a federal mediator and *advisory* arbitration by an appointee of the governor. The final agreement, if it should go through mediation or advisory arbitration, is still subject to review and approval by the board and the employee bargaining agent, with final acceptance or rejection being the board's responsibility.

L. The Role of the Superintendent in Collective Bargaining

Why should a school board depend upon the superintendent for direction in collective bargaining?

1) Most school board members are not in a position to know enough about their school systems to be able to bargain effectively without frequent consultation with the chief administrator.

2) The collective bargaining process is a time consuming operation, requiring full time personnel and a great deal of study.

3) If the superintendent does not actively participate in collective bargaining, he or she will eventually be by-passed by both teachers and school board members, making the superintendent less effective as an administrator.

4) One can assume that the representatives of the teachers organization will be knowledgable and well trained in the collective bargaining process. If this training ability is not matched by the school board in the form of a well informed and experienced superintendent the board may find itself at a disadvantage.

M. Some Sources of Assistance

The State Department of Education does not have a negotiations consultant on the staff. However, the Commissioner or a department staff member, to the extent that time and resources permit, will upon invitation confer with local boards on this subject.

The Association of Alaska School Boards employs a full-time Executive Secretary who can provide reference materials and other assistance.

The American School Board Journal, published by the National School Boards Association, has treated, and will no doubt continue to treat, this subject in detail.

N. Definitions:

The following list of definitions is consistent with Alaska Statutes.

Affidavit: A sworn statement in writing.

Agreement: Two types should be recognized:

1. A *recognition* agreement or negotiations agreement which is developed under a stated board policy. The agreement then sets forth the manner of determining what is to be negotiated and the negotiations procedure.

2. A *collective* agreement, ratified by both parties, which stipulates the agreements reached in the negotiations process, the life of the agreement, and any grievance procedures not otherwise covered by policy.

Arbitration: A method of settling employment disputes through recourse to an impartial third party, whose decision is usually final and binding. It may be *voluntary* when both parties agree to submit disputed issues to arbitration or *compulsory* if required by law. It is *advisory* when arbitration is without a final and binding award. (It is generally held that school boards cannot agree to binding arbitration which would constitute a waiver of their statutory responsibilities.)

Arbitrator: An impartial person chosen to settle differences between two parties in controversy.

Bargaining Agent: Organization recognized by the employer as the exclusive representative of all employees in the negotiating unit for purposes of collective negotiations.

Bargaining Election: A process whereby the school board is required to hold an election for determining a new employee bargaining agency.

Binding Arbitration: The hearing and determination of a case in controversy by a person chosen by the parties or appointed under statutory authority.

Caucus: A recess called by either negotiating team to meet in private to discuss an issue away from bargaining table.

Certificated Employee: Those employees of a school district holding a valid Alaska teaching certificate as issued by the State Department of Education (the Superintendent for purposes of collective bargaining is excluded by law.)

Certificated Employee Bargaining Agent: (Certificated Employee Bargaining Agency) is any educational employee agency designated by the group recognized as representing a majority of the certificated staff to be the official bargaining agent.

Certified Employee: Same as
Certificated Employee:

Chief School Administrator: That person employed by a School Board to administer the district in accordance with board policy and state law.

Classified Employee: (Non-certificated employee) any employee of the school district who does not hold a valid teaching certificate.

Collective Bargaining: Same as negotiations.

Day: Under Alaska law a day is a calendar day as opposed to a school (or working) day.

Dispute: In AS 14.20.550 - .610 this term refers to an inability to agree.

Federal Mediation And Conciliation Service: A United States Government Agency which spends full time trying to resolve negotiations disputes which have resulted in a declaration of impasse. This Agency does not charge fees for mediation services and provides services only upon request.

Grievance: A complaint that occurs when an employee alleges a violation of a negotiated agreement, school board policy, Department of Education Regulations, state law or established employment practices.

Grievance Procedure: The established procedure in a negotiated agreement that provides for the resolution of employment disputes.

Grievant: An employee who is filing a grievance.

Grieve: To challenge through an established grievance procedure.

Impasse: A situation which may occur in negotiations (collective bargaining) which is interpreted by either party to mean the discussions are not moving toward settlement.

Mediation: A procedure outlined in AS 14.20. 570 - 580 which provides for a collective bargaining settlement in the event of impasse. This procedure is part of and not separate from the total negotiations process.

Mediation Chairman: The important chairman who is selected by mutual agreement of the Mediation Panel or appointed by the Federal Mediation and Conciliation Service to train a Mediation Panel.

Mediation Panel: The members of a mediation panel appointed by each of the parties to a proposed negotiations agreement.

Mediation Report: The written recommendations submitted by the mediation panel to both the school board and employee bargaining agency.

Negotiated Agreement: (Settlement) The terms of a settlement that are reduced to writing and agreed upon by both parties.

Negotiation Team: Persons sent to represent either the employee or employer at the bargaining table.

Negotiations: (Collective Bargaining) A structured process that provides for an unrestricted discussion between employees and their employer for the purpose of reaching agreement on all matters pertaining to their employment and the fulfillment of their professional duties.

Optional Coordinated Employee Negotiations: (Coordinated Collective Bargaining) Process that allows Regional Attendance Areas to join together for the purpose of collective bargaining.

Party: In *Compiled School Laws* this term refers only to the participating parties of interest in the negotiations process.

Public Employment Relations Act: Is defined by AS 23.40.070 - .260.

Ratification: A negotiated agreement is ratified when it is agreed to be signed and executed by both parties.

Recognition: Acceptance by the school board that they recognize that a given educational organization represents a majority of the certificated employee bargaining agency.

School Board: The duly elected board of education in a city, borough, or regional attendance area.

Settlement: Same as negotiated agreement.

Superintendent: Same as chief school administrator.

Teacher: A certificated employee.

Termination: The ending of a previously agreed to condition, agreement or arrangement.

Termination Of Recognition: A procedure called for in AS 14.20.560 (b) which requires that an employee bargaining agent must have recognition terminated by the certificated employees prior to the holding of a bargaining election.

CHAPTER VII

THE SCHOOL BOARD AND COMMUNITY RELATIONSHIPS

A. Good Communications: A Continuous Process

One of the most exciting things about education is that it is a cooperative venture involving the entire community. As the educational system responds more to the need for lifelong learning and continuing education and as community education develops, more people in the community are more strongly interested in the schools. And since education is often supported to some extent by local monies as well as the state support, citizens feel a justifiable interest in how efficiently and effectively the school district is operated.

Schools exist for the community and for children, and the educational system must be responsive to local needs and desires. Today there is an increasing emphasis on student, parental and community involvement in educational decision-making. Good programs, efficient longterm planning and well-defined educational objectives are the responsibility of the school board. The board, however, is the legally constituted representative of the public and decisions made by the board should reflect public input. That is, educational decision-making results, hopefully, from involvement on all levels--community, students, parents and professional educators as well as advisory groups.

People are usually willing to support adequate schools in proportion to their understanding of educational problems, goals and needs. A board then has a twofold responsibility: first, to listen and seek the opinions of others; and second, to communicate clearly and continually information about the programs and policies of the school district. The administrator and staff also play an active role in good communications with the public. The board should establish a definite plan for good twoway communications between the schools and the community.

Following are some ways by which the school board can develop and maintain good communications:

1. Make the time and place of meetings a matter of public information. Maintain an attractive and properly furnished meeting place with accommodations for citizens who desire to attend meetings.

2. Publicize matters of importance to be discussed at school board meetings and make the public and press feel welcome to attend.

3. Conduct meetings in an orderly, reasonable, dignified, and democratic manner.

4. Provide ample opportunity for people to be heard upon request and treat them with courtesy and an open mind.

5. Decide questions on the basis of careful deliberation and free discussion. After a decision is made, it becomes a decision of the board and each member should support it even though he or she voted against it.

6. The board should keep its business procedures as simple as possible; treat all vendors impartially, purchase supplies and equipment on the basis of bids or quotations in accordance with established specifications, and pay all bills promptly.

7. Establish a system for release of information concerning actions at board meetings and the general school program.

8. Make the board's policy manual readily available to the public upon request.

B. Evaluating the School's Communications

There are several ways through which the school board and school administrator may evaluate the effectiveness of their communications. Among these are the following:

1. Press reports and letters to the editor will indicate the amount of space, tone of news stories, and, through the letters, the reaction of the public to school news.

2. The number of votes cast at school elections in relation to the per cent of qualified voters may be an indication of public interest.

3. A survey of attendance at publicized school events, such as open houses, programs and school exhibits will give a measure of public response.

4. The membership in P.T.A.'s or similar organizations and the attendance and amount of active participation.

5. The attendance of citizens at board meetings and the kind of interest shown by those in attendance.

6. The willingness of individuals and organizations to cooperate in school projects and undertakings.

7. The number and types of complaints and grievances.

8. The responses of pupils and alumni to questionnaires should serve to indicate pupil response to the school program and should show a relationship to holding power, pupil behavior, and attendance.

9. The willingness of community groups to accept school personnel and services in their programs and activities.

10. The reaction from civic and business leaders as indicated by their willingness to recognize school needs and to work for good schools.

11. The attitude of other public agencies toward the school board and the school system.

C. Community School Committees

The school board for a Regional Educational Attendance Area has a unique opportunity for wide community input in educational decision-making. Alaska law establishes a community school committee in each community or military reservation served by a school operated by an REAA. Elected by the voters of the community, the community school committee has the duty of reviewing and making recommendations to the REAA board on the curriculum, program and general operation of the local school. It may also exercise additional responsibilities and functions delegated to it by the REAA board (AS 14.14.170-200). Although the relationship of the Community School Committees to the REAA board will undoubtedly vary from REAA to REAA, the following policies may serve as guidelines to cover the beginning stages of the relationship. These policies are suggestions only; each REAA board will have to decide how to modify and develop the relationship between the community school committee and the board to best meet the needs of its district.

Suggested policies:

1. Community School Committees shall have access to the REAA Board through a regularly scheduled slot on the REAA Board's agenda.

2. Special REAA Board meetings shall be called in emergencies with the agreement of the CSC president and the REAA Board president.

3. One delegate from each committee shall be encouraged to attend an REAA Board meeting every three months with travel and per diem paid by the REAA Board.

4. Unapproved minutes of the Community School Committee meetings shall be submitted to the REAA Board within two weeks of each meeting. Tentative minutes of the REAA Board meetings shall be transmitted to the Community School Committees within two weeks of each meeting.

5. If possible, the Community School Committee shall form the nucleus of the local committees for Indian Education, JOM and Title I programs; that is, it should serve as the coordinating committee for all local educational programs and activities.

6. The following functions shall be delegated to the Community School Committee in those communities with local school programs, all of which are subject to the ratification or veto of the REAA Board:

    a. Hiring and termination of classified personnel for the local school.

    b. Preparing the budget for the local school within the boundaries of an assigned percentage of the funding generated by the local school.

    c. Participating in the evaluation, hiring and recruitment of certified staff.

    d. Preparing the local school calendar.

    e. Preparing the school day schedule.

7. The following functions cannot be delegated due to the legal responsibility rested in the REAA Board:

   a. Final approval of contracting and terminating certificated staff. The REAA Board, if possible, shall consult with the Community School Committees before employing personnel.

   b. Contracting for services. The REAA Board shall hear recommendations from the Community School Committees, however.

   c. Expending funds (without the express permission of the REAA Board).

Community School Committe actions cannot be contrary to the REAA Board policies, official board actions, negotiated agreements, state law and Department of Education regulations.

D. Advisory Committees

The practice of using advisory groups has been accepted for all phases of school planning and are requirements for certain programs such as Vocational Education. Citizens can lend definite assistance on many school problems, but the duties and objectives of any advisory committee should be sharply defined. If they are not, the advisory committee can easily become a pressure group to advance selfish goals and take over the responsibilities of the board.

In the formation and operation of any advisory committee, it should first be made clear that the school board is the legal body with authority over the schools. This authority cannot be delegated, nor can an advisory committee deprive them of it. An advisory committee can be very valuable as a means by which the board can feel the public pulse on school matters and help gain public support. It should be carefully established and carefully guided.

Actually, the only agency qualified to issue an invitation to organize an advisory committee is the school board itself. One of the best methods is for the board to contact representative community organizations, or citizens, by letter and outline the purpose of the advisory group and invite the organization to appoint a representative to the committee. Any advisory committee (unless it is expressly designed to provide specific technical knowledge) should be representative of the entire community and not of some segment, faction, or area of it.

School board members should be ex-officio members of any advisory committee. The school administrator or his or her designee should always participate as an ex-officio member because it is his/her responsibility to keep the board informed on the work of the committee and its study groups. While board members should attend committee meetings, they should be able to rely on information and reports or recommendations from the advisory committee made available through the school administrator.

The only function of an advisory committee is that of advising. They are a recommending body and cannot make final decisions. By law the school board has the responsibility for establishing policy and policy cannot be established for the school by any other group. To avoid misunderstandings the role of all participants--the advisory committee itself, the school board, and the administrator and school staff--must be defined in writing and clarified in discussions.

E. Community Surveys

In planning for future educational needs of the community, as well as in appraising the effectiveness of the school program, it is well to involve the people of the area to some extent. After all, school board members are charged with meeting the educational needs of children; hence, it is logical that their parents and other school patrons should be involved in planning.

By law the State has the responsibility for establishing minimums for a basic school program. It is recognized that all children in the State of Alaska should receive basic training in fundamental skills and in those areas vital to successful living in a democracy. However, communities in Alaska will differ as to conditions, needs, and interests and these differences should be reflected in the local educational program, supplementing and enriching the State minimums. School districts will also differ in the rate of growth, the ability to pay, and the attitude toward the schools. Therefore, all of these factors must be taken into account when planning for educational programs.

The board may initially desire to institute self-surveys by the school staff working in cooperation with the board or through advisory committees established as suggested in "D" above. Usually, two basic questions can be answered by a community survey.

1. What kind of education is needed in this community and for whom?

2. In terms of the kind of educational program we want, what are the outstanding deficiencies in the present physical facilities?

In line with these basic questions, the following purposes for organized community surveys are suggested.

1. To develop a clear picture of the school services now provided.

2. To determine the need or desirability of making changes in the school curriculum.

3. To determine what services now neglected by the school should be provided.

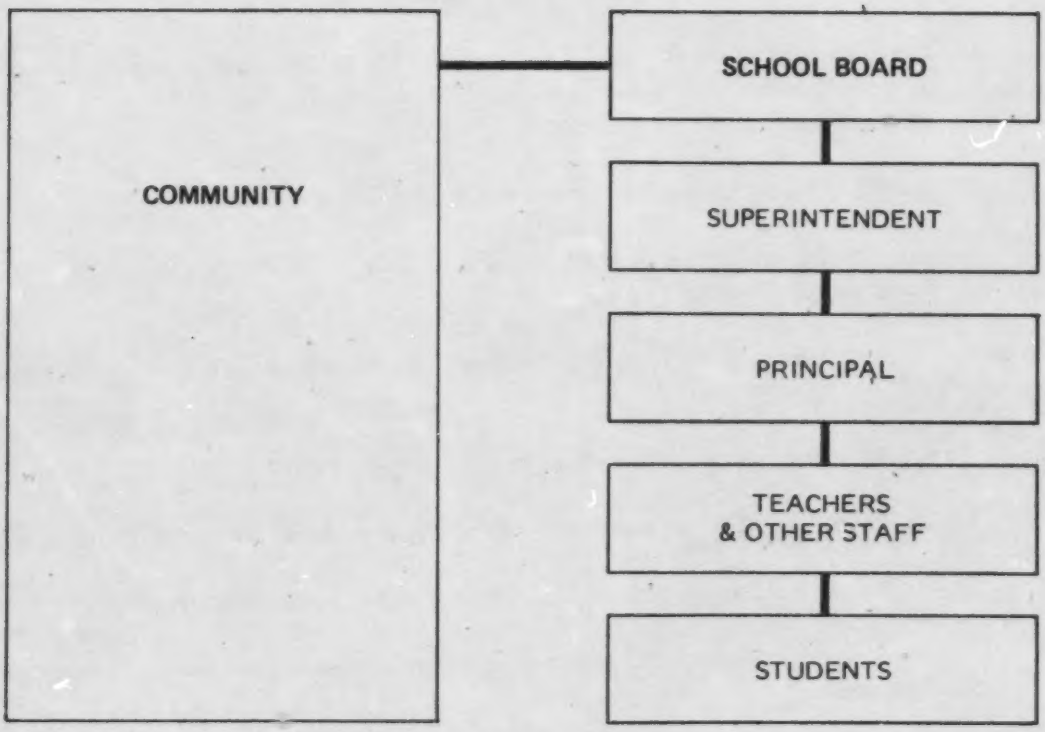
4. To determine community attitudes in relation to the ability to financially support the needed school program.

5. To gain current and complete knowledge of the community to be used as a basis for local planning for the school program.

6. To determine the best administrative and staffing patterns for reaching the expressed educational objectives.

It may sometimes be determined by the board that a self-conducted survey of the community will not be sufficient. Under such circumstances it is good practice to call in a professional consultant or survey group from a college, university or a private enterprise in order that the survey efforts will be coordinated and directed toward desired objectives. Even when such a professional consultant or group is used, the people concerned -- the citizens, school board, administrator, teachers, and pupils -- should be participants in the actual survey.

Organization of Relationships in a School District



CHAPTER VIII

THE SCHOOL BOARD AND OTHER AGENCIES

A. Parent-Teacher Associations

Parent-Teacher Association groups have a record of working energetically for the improvement of education in many communities. The P.T.A. can be an effective organization for the development of understanding and cooperation between the schools, parents, and the public. School boards and the school staff should encourage and support these associations by attendance at meetings and active participation. The leadership of Parent-Teacher Associations can best be with the parents themselves, and in no case should the leadership and work of the group be dominated by the school staff.

B. Teachers' Associations

The school board should maintain good relations with the local teachers' association(s). The school administrator should be the liaison representative between the board and the association(s) and should keep the board informed of their objectives and progress. In turn, the teachers' association has a right to expect full and complete information in regard to policies and actions of the board and should be free to request appearances before the board through designated representatives in the same manner as any other public group.

An active teachers' association can be a tremendous asset to a school system if a harmonious relationship is developed with the school board.

C. Other School Boards

All school boards in the several school districts have some common problems. Sometimes matters of tuition and tuition agreements, special education, and school transportation problems may necessitate joint meetings or cooperative arrangements if school districts are adjoining.

Informal joint meetings of school boards in regional areas would be of considerable interest and value in discussing common problems and possible approaches to them. Arrangements for inter-district visitations for purposes of looking over school programs might be made and would prove of interest and value.

The growing number of Federal grant programs for special purposes such as televised educational programs, instructional media and libraries, and in-service training programs offer opportunities for, and may demand, inter-district planning, development, and execution.

D. Association of Alaska School Boards

The Association of Alaska School Boards is recognized by Alaska statute. The school boards throughout the State should participate actively in the work of this Association. The annual meetings

of the group bring about acquaintanceship and foster the exchange of ideas and solutions to common problems. The group is also the best single agency through which the efforts of school boards may be coordinated toward the improvement of school laws, relationships with the Department of Education, and the overall improvement of education for the entire State.

E. Local Government Officials

In city and borough school districts in Alaska the school budget must presently be approved by the city council or borough assembly. It is, therefore, important that the school board maintain good relationships with these groups. By the term "good relationships" it is not inferred that the school board should be subservient to the council or assembly nor that the school board should sacrifice a good educational program just in order to get along. The school board and school administrator should, however, keep the council or assembly well informed on school financial matters and should at the time of presenting the budget give ample and clear justification for the school program.

The school board should maintain effective relationships with law enforcement agencies and personnel and with such other governmental agencies with whom they may have contact and working relationships. Oftentimes there are occasions when the school board and school staff will be working with representatives of the Department of Health and Welfare, Department of Labor, and other agencies. In all these relationships school boards and school administrators should provide any and all information necessary for arriving at decisions.

F. State Department of Education and State Board

The Alaska Department of Education, established and given powers and duties under AS 14.07.10-70, is headed by the State Board of Education (AS 14.07.135 and 155-170). The Board appoints the Commissioner of Education, subject to the approval of the Governor. The Commissioner is the principal executive officer of the department (AS 14.07.145 and 150).

The duties of the Department of Education are, in general, those of leadership, and technical assistance to the local school boards and administrators in addition to the specific regulatory and supervisory duties imposed by law. In Alaska the personnel of the Department of Education can still be relatively familiar with all school districts and reasonably well acquainted with school board members.

The Commissioner and department staff frequently call meetings of administrators and teachers for consulting in the development of programs or legislation or for reviewing new state or federal programs. They are available upon request of the school board and school administrators to meet to offer consultant service in the approach to and solution of problems.

The Association of Alaska School Boards also represents a medium through which school boards may transmit recommendations to the Department. Department personnel are available to meet with the AASB on a consultant and advisory basis. The department also handles requests from the various school districts for interpretations and assistance. It is preferable that all requests from school districts be channeled through the school administrator, who should be the direct representative of the school board with the Department of Education.

G. Accrediting Agencies

The Department of Education is given the legal obligation to exercise general supervision over the public schools of the state. This is done through the use of on-site and various reports required by law or regulation. The department also is required to accredit those public, private and denominational schools which meet accreditation standards established by the department. (AS 14.07.120). Strictly speaking, this does not constitute a rigid accreditation system. It is a system for indicating approval or disapproval of a school according to broad standards.

The Northwest Association of Secondary Schools and Colleges accredits high schools in Alaska on a voluntary basis. This agency functions through an Alaska Committee which is not officially connected with the Department of Education. However, a member of the Commissioner's staff, by the Constitution of the Association, serves on the Committee.

To be considered for accreditation by the Northwest Association, the high school must first be declared as approved by the Department of Education. Accreditation by the Association is on a voluntary basis and schools which wish to become accredited must make application for accreditation and make provisions to meet the standards set forth. To stay on the accredited list of schools, a school must continue to meet the requirements and show evidence of growth.

The benefits which result from maintaining accreditation in the association lie mainly from efforts to go beyond the minimum legal requirements which high schools must meet in order to be accredited by the Department of Education. Hence, through the efforts to meet standards beyond the state minimums, accredited schools usually provide more and better educational opportunities for their pupils.

H. Universities and Colleges

The University of Alaska, Alaska Methodist University, Sheldon Jackson College, and some institutions of higher learning outside Alaska have demonstrated sincere interest in improving education in Alaska. Resources available through their departments of education have made significant contributions to the work of school districts.

The University of Alaska, Alaska Methodist University, community colleges, and other schools can offer services such as sponsorship of programs of in-service training for school personnel through workshops and special courses during the school year or summer; programs of adult education through extension and correspondence courses; teacher placement service; consultant service in school building and maintenance programs; assistance with educational and community surveys; and general consultant services in the different areas of the curriculum.

I. U.S. Office of Education

The Federal Government has no direct legal control over the actions of any of the school boards of Alaska or any other state. However, through the grant-in-aid programs now largely consolidated under various titles of the Federal Elementary and Secondary Education Act, the office does exert considerable influence. The State Department of Education serves as the agency for administering such programs and attempts to keep school districts informed of program opportun-

ities and requirements.

The U.S. Office of Education also has a major interest in Alaska through the programs of school assistance for federally impacted areas under Public Laws 815 and 874. Many districts in Alaska are now participating under both these acts. All applications and approvals, however, are channeled through the Department of Education, which serves as the state approval agency and offers advice and assistance to eligible districts.

The primary function of the U.S. Office of Education is to stimulate the development of education and not to control or administer it. In executing this function, the office collects and disseminates information and provides consultative and advisory services in such areas as school organization and administration, school finances, school buildings and transportation. Staff members of the U.S. office sometimes visit the state and work with the Department of Education and district personnel with regard to specific federal programs. Staff members can be made available on a consultant basis.

CHAPTER IX

THE SCHOOL BOARD AND THE EDUCATIONAL PROGRAM

A. State Standards

The Department of Education is given the responsibility by law to prescribe by regulation a minimum course of study for Alaskan public schools. *Department of Education Rules and Regulations* contains current standards and guidelines. Education specialists in the department will provide school districts with technical assistance in program and curriculum development efforts.

B. The District School Board and Educational Planning

Consistent within the framework of state law and Department of Education rules and regulations, the school board is responsible for further development of district K-12 curriculum and programs. The board's task includes setting goals, establishing priorities, examining student needs, developing programs to meet the goals, and then evaluating the effectiveness of the programs implemented. The process takes time; in fact, it is a continuous, never ending task.

First, each district must develop a set of goals, a philosophy or guidelines. The school board has to decide which way it wants the schools to move. In setting the goals, the board should remember that schools should reflect the values and wishes of the community. So the board's first step is to find out what the community, not only board members but the other people, want their children to be and what they want children to be able to do when they finish high school. Involving the community is important because the community is the only group that can maintain an excellent program through the years. Although professional staff members may be very concerned and conscientious, they often move from place to place. The community is always there.

Besides community input, the board should consider any legal regulations issued by the Department of Education. These will be found in departmental publications, such as *Rules and Regulations.*

Many things to consider, however, are not really legal matters, but philosophical ones. Another source of direction or leadership for district or regional school boards is the State Board of Education. Other ideas may come from the staff who as professional educators may have different ideas and viewpoints than the people in the community. And, the students themselves often have a vivid grasp of what they need from education. In this process the staff, especially the superintendent, should do the groundwork. They ask members of the community questions about their views – what they think the goals of education are. Then the superintendent should report the answers to the board. The board then makes its choices about what is most important, what comes first, what comes second. After establishing its priorities, the board has the responsibility for again asking the community its opinions as the board narrows the broad philosophical goals down to goals of instruction. The process will take time, if it's done well. There needs to be plenty of opportunity for local people to let the board know of their ideas. Once the first two steps have been satisfactorily completed and the board has established both its philosophical goals and its more concrete instructional goals or priorities, then the third major part of the process is for the staff to do a needs assessment, to find out how much the students already know or can do.

They report their findings to the board.

Once the board has some idea of what the students do know, then they and the staff can identify the difference between what is and what should be. For example, if they want most of their students to do a certain level of math by a certain time, they should say so. Once the board is aware of the differences, the student needs, then it has to decide which needs are the most important. These are priorities which come first. With a list of program priorities in hand, next the board studies the prioritized needs. There may not be enough staff or enough money, for example, to meet all the needs identified. Once any necessary choices have been made, the next major part of the process is to implement programs which will meet the identified needs. Basically the board asks the staff how to take care of the needs, and staff personnel develop a plan and report to the board.

The next decision facing the board then is what parts of the plan to put into practice and what to leave out. It has to decide whether the plan suits its intentions. Once the decisions are made, the board should officially adopt or approve the plan. And the adoption or approval should be stated in the district school board meeting minutes. This is official action by the board and becomes "policy" until changed by the board. This protects the program for the students.

Then, the staff has to implement the plan, decide what they need to make it work. For example, it may require their reorganizing their time, getting rid of some of their activities, or it may call for new equipment or personnel. They report to the board about what it requires to make the plan work.

The board needs to talk about how well the plan is working. And, they must talk about spending money on its implementation. This may call for the board developing policies to put into practice the planned program improvements. And, in fact, the board should again turn to the community, see what the people think about the concrete actions the schools are now taking to meet student needs and district priorities. And both the board and staff as well as community and students participate in the evaluation process.

In summary, first, there is setting goals or developing philosophy. Second, the board sets goals of instruction or program goals. Third, a needs assessment is done. Fourth, a plan is made to meet those needs and then that plan is implemented. And, fifth, there is evaluation of what's happening. The first four steps may take a year or more. The last step, evaluation, is continual and goes on again and again. The whole process, in fact, is continual, and the board needs to give enough time to the staff at each step to properly prepare reports. The whole process depends on each step being done thoroughly and well. The board will probably find it necessary to reexamine its goals, the programs, the student needs, and the schools' plans to meet those needs again and again.

The modification of the school program is best accomplished through careful study and based upon the recommendations of the administrator and staff. Education is dynamic, it must serve to meet changing needs. But this does not mean that education should go overboard for new programs or for "crash" programs to meet specific emergency needs. Change should be based on careful study and made only when it is relatively clear that the change will result in educational improvement.

In keeping informed on educational matters the board members need to consider the adminis-

trator's and staff reports, need to read current periodicals and books on educational matters, and need to participate in the work of the Association of Alaska School Boards. Most important of all, the school board should allow a specific block of time at each school board meeting for the administrator and members of the staff to discuss the program of the school.

Unfortunately, school boards often become so involved with matters of budgets, buildings, and operational mechanics that they forget their main purpose for being -- a sound instructional program. The board has not only the right but the obligation to raise searching questions with the administrator and staff concerning the effectiveness of the educational program.

CHAPTER X

THE SCHOOL BOARD AND SCHOOL FINANCING

A. Determining Financial Needs in Terms of the Educational Program

Educational planning is actually the basis for determining the financial needs of the school district. Every decision made relative to the educational program usually affects the amount of money needed to finance it. The school budget, therefore, becomes the financial outline of the school district's educational plan.

The determination of staff needs and operation and maintenance needs can only be made on the basis of the educational program as planned. The educational needs of the community must be determined, and, next, the financial ability of the district must be considered in relation to the educational needs.

Sound fiscal management is essential to a well-run school system. The delineation of responsibilities consistent with school board policy is vital and important. The school board has definite responsibilities as does the chief school administrator. What are these responsibilities pertaining to fiscal management? They are spelled out in the *Compiled School Laws of Alaska*, 14.14.020, 14.07.030, 14.14.050, 14.08.111, and 14.08.121. The school board must develop board policies governing various aspects of fiscal management. Main areas to be considered are budgeting and accounting.

B. The Budget Process

A school operating budget is the education program expressed in dollars and cents. The development of a good operating budget, *which meets the needs of students,* is a process that goes on throughout the school year and for which a school board has the ultimate responsibility. In the budget process, a school board has major responsibilities and final decision making powers in the following areas:

a. Adopting the final operating budget of a given school year.

b. Determining programs affecting its schools.

c. Developing a policy providing for an adequate reporting system.

d. Making provisions for major unanticipated changes in revenues or expenditures.

e. Controlling the largest segment of a budget, *i.e.,* salaries and employee benefits.

f. Providing for the annual audit, mandatory under state law.

Development of any proposed operating budget is the responsibility of the chief school administrator. He or she prepares the proposed budget with the assistance of various staff members, including principals, teachers and classified personnel as well as students. Community input, also

very important, can be gained through the use of public workshops or hearings. These workshops can be valuable aids in assisting the school board to make decisions, especially concerning continuation of existing programs, as well as establishing new programs. Workshops give the school administration an opportunity to explain its position on given budgetary items.

Once the budget has been worked out by the school administrator, using staff assistance as deemed advisable, the budget should be presented in tentative form to the school board for its consideration. Following board review, and public hearing, the budget should be established in final form and then re-submitted to the school board for final approval. The budget guidelines provided by the Department of Education are explicit and should be followed to ensure an efficient budget document.

Once the budget has been officially accepted by the school board, in the case of city and borough school districts, it must be subsequently approved by the council or assembly. Then the budget should be discussed in detail with the staff so that they will have a complete understanding of the budget and its future implementation.

Administration of the adopted operating budget is the responsibility of the chief school administrator. That person must see that the wishes of the school board are carried out. He or she is responsible to the board in reporting expenditures under the provision of the board's policy. The administrator is also responsible for making the required state financial reports. The administrator must also make the necessary budget revisions as the need arises, with the board having the final decision making responsibility.

C. Presentation of the Budget to the City Council or Borough Assembly (for City and Borough School Districts).

State law requires that the budget of a city or borough school district be presented to the city council or borough assembly for review and determination of the amount to be made available from local sources. (AS 14.14.060 and AS 14.14.065).

It is strongly recommended that budget planning in the district begin shortly after October 30, the date on which the district submits its estimates of enrollments for the following fiscal year and computations of state aid under the Public School Foundation program. The school board should then be able to review and act upon the budget by about March 1, well in advance of the April 1 deadline for submittal to the council or assembly.

Several school boards have found it advantageous to schedule work sessions with the city council or assembly prior to formally submitting the budget to that body. Such sessions can afford an opportunity for carefully exploring school programs and budgetary needs in an atmosphere not clouded by other council or assembly demands.

While the council or assembly has the authority to review the budgets, it must be emphasized that the school board, as the responsible agency for the operation of the schools, can best determine the school needs. The council or assembly as such are primarily concerned with the functions of operating the city or borough and, therefore, are not in a position to adequately judge the needs of the school program.

While Alaska law gives the council or assembly the prerogative to determine the amount of local funds to be made available for the school budget, it does not give the council or assembly any prerogative to state what items of a school budget it will or will not approve.

The manner in which the council or assembly reacts to and acts upon a school district budget may be governed to a large extent by the manner in which the school district board presents the budget. If a budget is clear-cut and presented with ample justification and shows clearly the relationship between the educational program and the funds needed, the council or assembly, as representatives of the same people who elect the school board, should give every consideration to furnishing the funds as requested if it is at all within their financial ability to do so.

School districts have no taxing authority and must rely entirely upon funds from the council or assembly to meet the major share of local budget needs. The law does not stipulate that the council or assembly share of the budget must be raised by a direct tax on property. The funds may be raised by a sales tax or by other means.

D. Operating Within the Budget: The Accounting Process

When the budget process has been completed, the school board and school administrators should review the approved final budget and make necessary modifications in the program so that the district may remain within the available funds.

It is recommended that the school administrator be given the authority to proceed with handling the financial affairs of the school district within the budget as approved. The specific responsibilities for establishing an accounting system and seeing that the system is maintained are generally delegated to the superintendent. By law the Department of Education may prescribe a classification for items of expense for school districts in Alaska. (AS 14.07.030). Section 14.14.050 provides for an annual audit of all funds of the school district and further states that the audit shall conform to requirements established by the Commissioner. Regulation 4AAC 06.120 adopts certain manuals as basic guides for accounting systems and audits. These are available from the Department of Education.

Although school boards need not be accounting experts, boards do need to know whether the accounting system in the school district is working properly. Therefore, boards should insist on administrators providing good financial reports at least monthly. These reports should contain factual information on how the school district is operating in relation to the approved plan of operation or the budget--what are the balances to date, how are they doing. The financial report should contain information on both revenue and expenditures. The board should also formally approve the monthly financial reports and make them a part of the school board minutes.

The school district accounting system should provide not only an accurate record of the school district financial transactions, but should also have the information set up in such a manner that the completion of necessary state and federal reports will be facilitated. If the school district needs assistance in establishing a system of financial record-keeping, the board should request assistance from the Department of Education.

In making purchases of supplies and equipment for the school district, the administrator should establish a system which will insure responsible handling of school district funds. One

person should be designated as responsible for approval of all purchases. When there are several sources of supply available, quotations should be received or actual bid calls issued before making quantity purchases.

The required state financial reports are consistent with the law. A schedule of required reports is established by the department and school districts are given ample advance notification. Specimen forms are not included in this manual since forms are sent to all school districts and should be available there for review by the board. These reports are the task of the superintendent.

E. The Annual Audit

State law requires that an annual audit be conducted by a competent accountant each year. There is provision for filing an audit report with the Commissioner of Education which constitutes verification of financial reports required by law and regulations. (AS 14.14.050)

Through the required annual audit a school board can find out how things are going with the accounting system of the school district. This audit has to be completed each year by an independent Certified Public Accountant, it must cover all funds of the school district including school activities and school lunch; and a copy has to be filed with the Commissioner of Education before November 14. *It is important that the school boards read and understand this annual audit.* Accompanying the annual audit is a management letter through which the auditor explains how things are going financially in the school district and makes recommendations where there are deficiencies.

F. Bonding Requirements

Fidelity bonds are required by law (AS 14.14.020) for at least the treasurer or finance officer of the school board, in an amount not to exceed $50,000. Other personnel may also be bonded under blanket programs, if advisable. Average bonding cost will be between $350-$500 per annum. Any employee responsible for receipt or disbursement of funds, including student activity funds, should be adequately bonded. The Northwest Accrediting Association now requires that those high school staff members responsible for student activity accounts definitely be bonded, and it also requires audits of student activity accounts.

G. The District Inventory

A complete system of inventory of school property facilitates the process of budgeting and supply management. It is also absolutely necessary to have such records in case of fire losses. A perpetual inventory of both expendable and non-expendable property is desirable because it is up to date at all times, but an annual inventory at least is indispensable. The responsibility for the school inventories should be delegated to the superintendent and staff. Several authorities in the field of school administration have established school inventory systems which are outlined in books on school administration. No attempt has been made to establish a standardized inventory system for Alaska. The U. S. Office of Education has published a manual on property accounting together with a guide for implementation of a system. Districts which need assistance in the establishment of a system may request assistance from the Department of Education.

H. Risk Management

In considering a school insurance program, the board, through the administrator and staff, should become aware of the different kinds of losses that the district might suffer and which of these hazards can be protected by insurance. Then, each hazard should be evaluated in order to determine which ones are important to insure against and for how much. The present program of coverage in the districts should be studied to determine changes needed. In order to avoid over-insuring and under-insuring, an appraisal should be made of the buildings; if district owned, and contents at stated intervals.

It is recommended that the services of a reliable insurance advisor be secured when planning the program. In larger school districts an arrangement is sometimes made wherein all licensed agents in a community participate in the insurance program with one agent being the servicing agent.

The school board has the responsibility for safeguarding the public interest and must, therefore, take every precaution to insure school district property adequately and in the most economical manner possible.

In the area of *liability insurance*, the Risk Manager for the State of Alaska, is available for assistance and can be contacted at the Department of Administration in Juneau. Some recommendations for districts include:

a. Unite for strength and form a group for insurance purposes.

b. Seek a broker representing nationwide carriers to work out a blanket package for all insurance needs. It is unlikely that it would be possible to handle this on an individual district basis and it is beyond the scope of the average local insurance agent. Remote districts might find themselves unable to obtain coverage except by a strengthening alliance with other districts. Listings of agents qualified to handle programs of this magnitude are available. Achieving this unified effort could be done by the chief administrator or by a representative of the board, e.g., the treasurer.

c. Conduct a complete evaluation of district exposures to determine the insurance needs. These evaluations should be based on the total program and all elements involved, such as vehicle use, dormitory situation, types or rooms, the extent of cafeteria and food services, and equipment in general use. Checklists provide helpful guidance.

d. Face realistically the pressing need for loss prevention programs and positive action plans to minimize risk of insurance cancellation or skyrocketing premium costs. There should be extensive preventive maintenance programs designed to keep plant efficiency at highest possible level; fire safety precautions, training drills and instruction; efforts to curb vandalism; first aid training; strict attention to sanitary facilities; compliance wherever possible with regulations on occupational safety and health from the Department of Labor; cooperation with fire and boiler inspectors; and checklists available for help with preventive maintenance programs.

Student insurance is optional but recommended with costs borne by the parents. Such

policies cushion the district against serious litigation by providing restitution and medical benefits. Special programs such as athletics and other extra-curricular activities are eligible for special types of coverage. Costs for special programs insurance are often assumed by the district.

CHAPTER XI

THE SCHOOL BOARD AND PHYSICAL FACILITIES

A. Statutory Provisions for City and Borough School Districts

The Alaska statutes governing provisions for school facilities, admittedly awkward, have caused major differences of opinion between school boards and their respective city councils or borough assemblies.

Since by the Alaska Constitution only cities and boroughs have local taxing powers, the Alaska Legislature has construed that the bonding authority must be reserved for such bodies. Since nearly all school facilities require bond funding, the Legislature has given to the boroughs and cities the responsibility of providing for the construction, major rehabilitation, and major repair of school buildings (AS 14.14.060).

The statutes further provide that the council or assembly shall determine the location of school buildings with due consideration of the recommendations of the school board. School boards do have responsibility for the design criteria of school buildings and may select the architect subject to approval of the assembly or council, but the assembly or council has authority to approve or disapprove building plans. (AS 14.14.060).

Yet the school board is mandated the responsibility for providing a school program and "the management and control" of school operations (AS 14.12.020(b)). Provision of custodial services and routine maintenance of school buildings is a school board responsibility. (AS 14.14.060).

The school board and the assembly or council although elected by the same people might have quite opposite views on the need for more school facilities in relation to other community needs, the scope and adequacy of building design, what are necessities and what are "fads and frills", and community use of school facilities.

It would be naive to suggest that all differences of opinion could be (or should be) avoided. Both bodies, the board and the assembly or council, are urged to meet together and to discuss general concepts and procedures. It is strongly recommended that a written agreement be drafted, covering relationships and procedures with respect to short and long range planning for facilities and their financing, school bond issue publicity, location of buildings, design, construction, and utilization Preferably such an agreement should be adopted as a borough or city ordinance. (An ordinance which has worked quite well in Alaska's largest school district is reproduced in the Appendix.)

The following comments and suggestions relating to school facilities are predicated on the basis of desirable practices irrespective of whether carried out by the school board or the assembly or council or jointly. They also apply to state owned facilities in the unorganized borough and school board includes the Regional Educational Attendance Area board.

B. Maintenance and Operation of Facilities

Establishment of overall policies relating to the maintenance and operation of school buildings is the legal responsibility of the school board. The administrator and staff should develop recommendations of policies to the board.

The key person in operating and maintaining unit school facilities is the building custodian who should be directly responsible to the building principal. These persons should be appointed to their positions by the board upon the recommendation of the administrator in the same manner as other school employees. Job specifications and outlines of duties should be developed. A good custodian must have knowledge and skills in a wide range of duties, including heating, cleaning, sanitation, plumbing, carpentry and care of floors. Dependability and ability to cooperate with the superintendent, principal, and teachers are usually important.

The Alaska Skill Center offers valuable courses in maintenance and janitorial skills which can pay for themselves many times over.

The larger school systems should develop custodians manuals to standardize custodial and maintenance procedures. Even small school districts should establish definite work schedules and check sheets for the proper care and maintenance of school buildings. Specifications for new facilities should require the contractor to supply maintenance manuals with suggested schedules of maintenance.

C. Use of School Property by the Community

The concept of the community school in which school facilities should be readily available for community use is most desirable.

School buildings should be initially planned to be fitted to the needs of the community allowing partial operation of the facility and security of portions that are not used. They should be made available for use whenever there is no conflict or interference with the educational program. The board should enact general policies governing building use, recognizing the various situations which may be encountered and insuring reasonable and impartial use. (AS 14.03.100). These policies should demonstrate impartiality. If wide publicity is given policies which encourage wide usage and yet safeguard school interests, the schools will become the center of community life. Such policies and such usage of the building will help to promote good will and understanding by the people of the community.

D. Planning for Additional Facilities

There is a tremendous advantage in planning on a long-range basis both from the standpoint of planning new construction and for the future use and maintenance of existing buildings. Sometimes temporary economies in the maintenance, remodeling, or refinishing of old buildings can result in actual waste in the long run. An adequate amount of money spent annually on maintenance is better than allowing items to accumulate until a major financial effort is necessary to cover maintenance.

Actual school construction entails the investment of large sums of money and from this standpoint justifies all efforts made in long-range planning. Buildings are expected to last a long time and, therefore, should be functionally and flexibly planned so that structural changes are not necessary for the proper housing and environment for the educational program. Time spent on careful pre-planning and meticulous review of architectural plans as they develop will result in long-range benefits.

In some cities and boroughs planning commissions have been established. In these cases the school board must work with the planning commission in order to integrate school sites into the master plan of the community.

In developing long-range plans it is advisable to use lay committees and a community survey. Through this means group thinking, group activity, and group decisions may be secured and may be of tremendous advantage when it comes to securing the needed finances to cover the school building program.

The board needs a substantial amount of specific information in order to plan for new school buildings. It is essential that the long-range planning determines the probable number of pupils the schools will have to serve in the foreseeable future, as well as determining the analysis of the trends in pupil population in the different areas of the community as a guide to the location of future schools. The board also will need a complete picture of the district's present and probable future financial resources for school building purposes. Consultant service is also available from the Department of Education.

The development of immediate building plans must include the development of educational specifications – that is, determination of the actual type of school organization, the curriculum to be followed in the schools, the extracurricular activities to be provided for, the special services including lunches, health services, and special education facilities which are necessary, the limits of class sizes, desirable minimum space requirements and the relationship of the spaces in the facility. Consideration should also be given to facilities necessary for the summer program, for community recreation programs, for community groups, for adult education programs, and for cooperative community college utilization.

The board should call in expert technical advisory service as necessary. There is no substitute for the early securing of the services of a competent school architect. There are good school architects available in Alaska. Only Alaska architects should be used since they are familiar with construction problems in Alaska and Alaska law requires employment of only Alaskan firms. They are also available for frequent conferences during the early stages of development of the building program, formulation of the educational specifications and site selection.

School site selection should be on the basis of locating the school building where it will serve the school population to the best advantage and where a minimum of school transportation will be necessary. Prime consideration must be given to the safety of the children, both on the school site and in coming to and leaving the school site. The accessibility, general environment, physical characteristics, and cost must be determined. In general, it is recommended that an elementary school site be at least 10 acres, and a junior or high school site be at least 20 acres.

If several local architects are available, the school board may desire to have the architects submit proposals covering the type of building they feel will best meet the educational specifi-

cations and be consistent with the board's long-range and immediate building plans. It is important that the architect be legally qualified and have demonstrated ability in the field of school architecture. The firm should be in a position to assure the board that it can handle the work on a definite time schedule basis so that bidding can be handled and construction proceed at times most advantageous to the district. It is important that the architect and the firm be able to work cooperatively with the school staff and school board in developing the building plans.

Some cities have local building codes which must be observed and require review by local building officials. Regulations of the Alaska Department of Health and Welfare, State Fire Marshal, Alaska Department of Environmental Conservation (for pioneer water and sewer systems) and Alaska Department of Education also require that the plans be reviewed and approved by those agencies prior to award of a construction contract. The Department of Education has responsibility for review of all private and public school plans from the standpoint of functionalism for the school program and thus requires submission of the educational specifications, schematic plans, and final plans. Alaska statutes also require accessibility to the physically handicapped (AS 35.10.015) and compliance with labor and public contract requirements.

E. Publicizing the Building Program

The process of informing the public about a school building program should be continuous from the first step of the planning onward. As suggested previously, the most natural way to accomplish this is to involve the people in the necessary planning and survey. If the people are participating, a great deal of information will be carried out into the district by this means.

It will also be necessary that an organized program of publicity be initiated in order to reach more people. News releases, radio, television, and newsletters from the board should be used. In publicizing a building program and especially a bond issue the school board should take the initiative with the advice and assistance of the school administrator and staff. Lay people who have participated in school planning and who are interested in the general welfare of the schools should also be enlisted to assist in publicizing bond issues. It should not be the responsibility of the school administrator to have to carry the burden of securing favorable public support for a school building program.

F. Financing the School Building Program

Responsibility for financing the school building program lies with the city council or borough assembly if one exists or by the state legislature. The major method of financing is through the issuance of general obligation bonds which must first be authorized by a vote of the people. The bonds may be issued by the city or borough or by the State of Alaska.

The school board, as a part of the planning for school facilities, will usually present to the council, assembly or Department of Education its estimate of school building needs and estimated bond requirement. Only the assembly, council or legislature can call a bond election and the procedures for such are contained in municipal, borough and state law.

If a city or borough is calling for the bond election, in order to insure the salability of bonds, the council or assembly should utilize the services of an attorney to draft the appropriate resolu-

tions. Election procedures must be carefully followed. After the electorate has authorized the issuance of bonds, the services of a fiscal agent or competent bank or bonding house will usually be desirable in marketing the bonds. In Alaska the statutes do not provide for a specific tax levy to cover bond redemption and interest payments. General tax funds, sales tax revenues, or any other available funds may be used for such purpose.

A major portion of the Alaska Cigarette Tax (AS 43.50.010-190) is earmarked for school construction. Regulations and formulae for the distribution and accounting of the school district portion of the tax are contained in Department of Education regulations (SDE Chapter 14, Section 125). In nearly all school districts the proceeds, although paid to the school board, are obligated toward amortization of indebtedness for school facilities incurred by the borough or city.

Section 43.18.100 of the Alaska Statutes provides for the state to assist local communities in school construction costs up to approximately 50 per cent of the costs and 75 per cent for vocational structures.

Nothing in the Alaska Statutes prohibits the use of current revenues for school building purposes or the accumulation of cash revenues or surplus for future building purposes.

G. Facilities Planning Guideline

The Department of Education has compiled a guide to school facility planning which should prove helpful to school boards and administrators. It will be distributed in July 1976 and updated as necessary. Contents include guides for preparation of Educational Specifications, employment of consultants, approvals required with addresses, statutes to be followed, building codes, funding sources and procedures, types of state consultant services, life-cost implications, cost estimation, construction contracting, and moving into and using the new facility.

APPENDIX

A. Sample Agreements To Negotiate

1. Sample: Gateway Borough School District - Ketchikan

The Board of Education of Gateway Borough School District and the Ketchikan Education Association do hereby agree that the welfare of the children of Gateway Borough School District is paramount in the operation of the schools and will be promoted by both parties. The parties do hereby agree as follows:

I. RECOGNITION

The Board of Education of Gateway Borough School District, hereinafter referred to as the board, recognizes that teaching is a profession. The board recognizes the Ketchikan Education Association, hereinafter referred to as the association, as representative of all the certificated personnel employed, or to be employed, by the board who have designated, or will designate, the association to be such by written notice to both parties to this agreement.

The association recognizes the board as the elected representatives of the people of Gateway Borough School District as the employer of the certificated personnel of the Gateway Borough School District.

The purpose of this recognition is the mutual agreement that the parties will negotiate with regard to all matters of common concern, and will use professional and educational channels for appeal in the event of impasse.

II. PRINCIPLES

A. Attaining Objectives

Attainment of objectives of the educational program of the district requires mutual understanding, cooperation among the board, the superintendent, the staff, and the professional teaching personnel.

To this end, free and open exchanges of views is desirable and necessary, with all parties participating in deliberations leading to the determination of matters of mutual concern. No member of the association may engage in a strike in an effort to effect a settlement under this agreement.

B. Professional Teaching Personnel

It is recognized that teaching is a profession requiring specialized qualifications, and that the success of the educational program in the district depends upon the maximum utilization of the abilities of teachers who are reasonably well satisfied with the conditions under which their services are rendered.

It is further recognized that teachers have the right to join, or not to join, any organ-

ization for their professional or economic improvement but that membership in any organization shall not be required as a condition of employment.

C. Teacher Participation

The board, the board and superintendent, or designated representatives of the board and/or administrative staff may meet with the representatives of the association for the purpose of discussion and reaching mutually satisfactory agreements on salary, welfare provisions, working conditions, and all matters of educational welfare of mutual concern.

III. PROCEDURES

A. Meetings

Meetings composed of members of the Association Negotiation Committee, the board, and superintendent shall be called upon the written request of any one of the parties involved, namely: the association, the board, and the superintendent of schools. Requests for meetings should contain specific statements as to reasons for the requests.

B. Directing Requests

Requests from the association normally will be made directly to the superintendent or representative. Requests from the superintendent or the board or their representatives will be made to the president of the association. A mutually convenient meeting date shall be set within fifteen days of the date of the request.

C. Exchange of Facts, Views

Facts, opinions, proposals and counter-proposals will be exchanged freely during the meeting or meetings (and between meetings, if advisable) in an effort to reach mutual understanding and agreement.

D. Requests for Assistance

The participants may call upon competent professional and lay representatives to consider matters under discussion and to make suggestions.

All participants have the right to utilize the services of consultants in the deliberations.

E. Agreement

When the participants reach agreement, it will be reduced to writing and become a part of the official minutes of the board. When necessary, provisions in the agreement shall be reflected in the individual teachers' contracts. The agreement shall not discriminate against any member of the teaching staff regardless of membership or nonmembership in any teachers organizations.

IV. MEDIATION AND APPEAL

A. Board of Education

In the event that agreement is not reached, and members of the board have not participated directly in the deliberations, the association representatives and the superintendent or representatives may present separate reports stating their points of agreement and disagreement to the board. The procedure outlined in III will then be followed in an effort to reach understanding and agreement, with the full board participating in the deliberations.

B. Advisory Board

In case of disagreement about the meaning or application of this agreement, or if any impasse is reached during professional negotiation, the matter will be submitted to an advisory board within thirty days after the request of either party to the other. The board will name one advisor, and another will be named by the association. A third member, who shall be the chairperson, shall be named by the first two named members.

The Advisory Board will be expected to report recommendations for settlement within fifteen days. The recommendations will be submitted to both parties and may be made public.

C. State Commissioner of Education

If the Advisory Board fails to make a recommendation satisfactory to all parties within the specified time, either the board or the association may request the State Commissioner of Education to appoint a competent committee to seek to bring about a mutually acceptable settlement. The committee will have the authority to confer separately or jointly with the superintendent, representatives of the board and association, and to utilize any other source of information. Data or recommendations may be made public.

If the parties refuse to accept the proposed settlement, the Commissioner shall so notify the State Board of Education.

V. COSTS

Any costs and expenses which may be incurred in securing and utilizing the services of any individual and/or Advisory Board, mutually agreed upon by both parties, will be shared equally by the board and the association.

VI. CONTRACT

This contract shall remain in force until June 1,19___, at eight o'clock in the morning. It may be amended by the agreement of the same parties who entered into it originally. It will be renewed automatically for a period of one year from the expiration date each year unless one of the parties shall have notified the other at least sixty days before the expiration date that it will not accept renewal.

Signed_____ Signed_____
President KEA President School Board

_____ _____
Officer KEA Member School Board

_____ _____

_____ _____

_____ _____

_____
Date

2. Sample: Anchorage Board Policy Statement on Recognition

The following statement shall constitute the general policy and encompass the principles and procedures for implementation:

PREAMBLE

The Anchorage School District Board recognizes that in fulfilling its obligation and providing a high quality educational program for the children and youth of the school district high morale of the entire staff is vital.

Therefore, this policy statement declares that:

A. The School District Board, under law, has the final responsibility of establishing policies, including salaries and wages, for the district.

B. The superintendent and administrative staff have the responsibility of carrying out the established policies.

C. The teaching staff has the responsibility, under established board policies, for providing the best possible education in the classroom.

PRINCIPLES

I. Attainment of Objectives

In order to attain the desired high quality educational program, it is recognized that mutual understanding and cooperation among the board, the superintendent and administrative staff, the certificated personnel, the non-certificated personnel, and other citizens of the community becomes essential. Therefore, opportunity must be provided for free and open exchange of views.

II. Teachers and Teacher Organizations

It is recognized that teachers have the right to join or to refrain from joining any organization which has as its purpose the professional and economic improvement of the teacher and the general advancement of public education. However, membership in any organization shall not be required as a condition of employment in the district.

It is further recognized that while under contract no member of an organization accepted as representing teachers has the right to discontinue to render his or her professional obligations to the district. In the event of any such occurrence the board will request revocation of teaching certificates on grounds of breach of contract.

III. Recognition

The board will recognize for the purpose of discussing and negotiating mutually satisfactory agreements on salaries, working conditions, and other matters of staff welfare the organization which on December 1 of each year has as bona-fide paid-up members a majority of the total certificated staff employed by the district and which files a certified list of such members with the superintendent no later than December 15. If no majority list is filed by December 15 of any year, no recognition shall be granted to any organization for the ensuing year.

Any organization seeking recognition shall admit persons to membership without discrimination on the basis of race, creed, color, national origin, sex or marital status.

Any organization recognized under the above conditions shall, no later than January 15 following the filing and acceptance of the membership list, submit to the board names of a negotiating panel of not more than five (5) listed members, which panel shall serve as the sole and official representative of the organization for the recognition year with changes in panel membership authorized only in the event a member leaves the employ of the district or for reasons beyond the control of the member. Two additional temporary panel members may be named for each particular negotiation area.

The superintendent and associate superintendent shall represent the board in all negotiations and the board may designate not to exceed three other persons as representatives to any negotiating session if and when it so desires.

Any teacher or group not a member of the recognized organization, any other teacher organization, and any non-certificated employee or employee group may present information or proposals to the board in writing or in person through the superintendent. Members of the recognized organization may present negotiable proposals only to their own panel and not directly to the superintendent or to the board through the superintendent. However, nothing in this section shall negate the right of any employee to appeal to the board from a decision of the superintendent as provided in Section 3.24 of the Board Policy Manual.

PROCEDURES

I. Inaugurating Negotiations

A. Written requests for negotiations may be submitted by the recognized organization

to the superintendent, or by the superintendent to the organization, specifying the subject matter to be considered.

B. A written affirmative response will be made and a mutually satisfactory time for the first meeting will be agreed upon, or

C. A written negative response will be made.

In this case, the recognized organization and/or the superintendent may present the request or recommendation directly to the board in regular meeting.

The organization through its panel chairman and the superintendent also may present the issues involved to the board and will have the right to discuss the issues with the board.

The board will:

(1) Decide that negotiations will be held, in which case procedures outlined in B will be followed.

(2) Decide that negotiations will not be held, in which case the organization will decide upon its own course of action.

(3) Adopt an alternative.

II. Conducting Negotiations

A. Meetings

Meetings between the panel of the recognized organization and superintendent, associate superintendent, and board designees, if any, will be scheduled for a mutually satisfactory time.

(1) Relevant data and supporting information, proposals, and counter proposals will be presented.

(2) Not to exceed three consultants may be used in negotiating any particular subject if deemed advisable by either party, and the same three consultants once named for a particular negotiation cannot be changed. Any expense for consultant services shall be borne by the party (board or organization) requesting the service.

(3) During the period of consideration, interim reports of progress may be made to the organization by its representative(s) and to the board by the superintendent.

(4) While negotiations are in process, any releases prepared for news media will be approved by both groups.

(5) Meetings will be closed to all except designated panel members or consultants. The assistant superintendents and board members and the elected officers of the recognized organization may attend as observers.

(6) A memorandum record will be made of each session by the superintendent or a designee. If the organization desires that an independent record be maintained, a person agreed upon by both groups shall be designated to keep such record and the costs shall be shared equally by the board and the organization.

B. Reporting

(1) When the participants reach a consensus, a joint report will be prepared and presented in writing to the board and to the teacher organization.

(2) In the event a consensus is not reached, reports will be presented to the board by both parties in writing, providing copies to the other party.

C. Action

(1) When a joint report is presented, and

(a) The representatives of the teacher organization affirm acceptance of the report, and

(b) The board adopts the report the recommendations of the report will be put into effect by the superintendent.

(2) When the representatives of the teacher organization and the board representatives cannot reach agreement and have presented their separate reports to the board, or when the board rejects a joint report, the representatives or the organization or the superintendent may appeal to the board at a regular or special meeting.

If an appeal is made and if requested by the representatives of the organization, the board shall meet together with the organization representatives and the superintendent in executive session to negotiate. Upon mutual agreement, not more than two persons may be called in to act as consultants, for either party, and if such are brought in presentations shall be limited to not more than one hour each.

Final decision of the board on the subject of the appeal will be made at a regular or special open meeting of the board.

Several other school districts have board policy statements on recognition and negotiation. Since this is an area of board responsibility which is changing rapidly it is suggested that boards seek the advice of the Department of Education and utilize legal counsel in adopting policy statements and forming agreements to negotiate.

B. Agreement Between Board and Borough Assembly

In recognition of the fact that Alaska statutes covering borough-school board relationships may be open to varying interpretations, it appears logical and prudent for the two bodies to consider formal adoption of some type of written agreement covering relationships and procedures. The following Anchorage District Resolution constitutes such an agreement and was carefully

developed by borough and school board representatives within the first year of formation of the borough. Note that there has been only one modification. Both borough and school board feel that this agreement has served them well.

GREATER ANCHORAGE AREA BOROUGH, ALASKA

RESOLUTION NO. 32

A RESOLUTION OF THE ASSEMBLY OF THE GREATER ANCHORAGE AREA BOROUGH FIXING THE OVERALL RESPONSIBILITY OF THE BOARD OF EDUCATION OF THE GREATER ANCHORAGE AREA BOROUGH SCHOOL DISTRICT IN CONNECTION WITH SCHOOL FACILITY SITE SELECTION, SCHOOL CONSTRUCTION AND BOND AUTHORIZATION IN THE DISTRICT AND SPECIFYING THE SEVERAL AREAS IN WHICH THAT RESPONSIBILITY SHALL BE EXERCISED AND SPECIFICALLY CHARGING THE BOARD OF EDUCATION WITH THE ADOPTION OF PROCEDURES FOR THE PERFORMANCE OF DUTIES IN THE FOLLOWING OPERATIONAL AREAS: (1) THE SELECTION OF SITES FOR LOCATION OF SCHOOL FACILITIES, INCLUDING THE HANDLING OF NEGOTIATIONS LEADING TO THE ACQUISITION OF SUCH SITES, AND PROVIDING FOR ALL ON-SITE AND OFF-SITE UTILITIES; (2) THE OPERATION AND MAINTENANCE OF THE BOROUGH SCHOOL DISTRICT MASTER BUILDING AND FINANCE PLAN; THE SELECTION OF ARCHITECTS AND ENGINEERS; THE SUPERVISION OF CONSTRUCTION OF SCHOOL FACILITIES; THE APPOINTMENT OF CITIZENS' ADVISORY CONSTRUCTION COMMITTEES WHEN DEEMED ADVISABLE; TO SERVE AS THE AGENTS OF THE ASSEMBLY IN THE ACQUISITION OF CAPITAL EQUIPMENT FOR NEW OR REMODELED SCHOOL FACILITIES; PROVIDE INSURANCE COVERAGE FOR SUCH FACILITIES; (3) TO RECOMMEND AS THE NEED EXISTS TO THE ASSEMBLY, GENERAL OBLIGATION BOND AUTHORIZATION ELECTIONS, AND IN CONNECTION WITH THAT NEED TO PREPARE SUPPORTING INFORMATION FOR PUBLIC DISSEMINATION; RECOMMENDATION OF BOND SALES; PREPARATION OF BASIC RESOLUTIONS, PROSPECTI, AND OTHER SUPPORTING BOND SALE DOCUMENTS.

SECTION 1. School Facility Locations

(a) The Borough Board of Education is hereby charged with the responsibility of developing and maintaining records and formulating plans for the location of needed school facilities.

(1) Such records shall include basic data indicating the residence location of school pupils, the economic nature of the immediate neighborhood where a facility may be needed, planning and zoning regulations, public improvements planned and/or constructed by other agencies, and health and safety regulations.

(b) The Borough Assembly hereby charges the Board of Education with the responsibility to negotiate with property owners for the purchase of school facility sites, requiring the board to submit recommendations for final purchase approval by the assembly.

(1) The board is authorized to adopt appropriate acquisition procedures, including employment of technical advice which may include, but is not limited to, land appraisals, surveys, and sub-soil tests.

(c) The Borough Assembly hereby designates the Board of Education its agent to negotiate with suppliers for providing all on-site utilities to serve school facilities, reserving to the assembly final contract approval.

SECTION 2. Master Building and Financing Plan

(a) The Board of Education is hereby charged with preparing and maintaining a master building and financing plan of school district facilities, amending and extending such plan at least annually.

(1) The plan shall contain such basic school facility data as pupil enrollments and projections, current inventory of school facilities, projected school facility needs, estimated costs of projected school facilities, schedules of acquisition or construction of needed school facilities and proposed financing programs to provide school facilities.

SECTION 3. School Facility Architects and/or Engineers

(a) The Board of Education is hereby charged with the selection of architects and/or engineers for designing school facilities and coordinating the work of such architects and/or engineers.

(1) The assembly reserves to itself the final approval of school facility architectural and/or engineering contracts including the fee basis to be paid.

(2) The board will act as agent for the Borough Assembly in coordinating the work of architects and engineers of school facilities, approving final plans, specifications and other contract documents, submitting such documents in each case with appropriate analysis and recommendation to the assembly for final approval.

SECTION 4. Joint Construction Advisory Committee

(a) The Board of Education is authorized to create by appointment, a citizens' advisory construction committee and if deemed advisable to join with the City of Anchorage in establishing a City of Anchorage-Greater Anchorage Area Borough School District Construction Advisory Committee to assist and advise the Board of Education on the design and specifications of school facilities and the appropriate department of city operations on municipal facilities.

If, at the time this resolution is approved and adopted, there exists such a Construction Advisory Committee serving the City of Anchorage, the assembly will authorize the school board to request the city to constitute that committee, including all of its then appointed members, as a joint city-borough committee to serve both entities.

(b) Advice and recommendations of the Advisory Committee in the matter of school facilities will be made directly to the Board of Education which will take such advice and recommendations into consideration in formulating final recommendations to the Borough Assembly for approval and adoption.

SECTION 5. School Facility Construction or Furnishing Contracts

(a) In the matter of acquisition of school facilities the Board of Education is charged with responsibility of advertising for bids or proposals, evaluating the said bids or proposals and making recommendation to the Borough Assembly for final action. The board shall further, following assembly approval, be charged with the management of contracts so awarded.

(1) Upon award of a contract for construction or furnishing a school facility the Board of Education shall manage the contract, coordinating activities of the architect engineer and the contractor in carrying out all conditions of the contract documents.

(2) The Board of Education shall select and recommend to the Borough Assembly for approval and employment such professional employees as it may deem necessary in the supervision and inspection of all school facility construction while in progress.

(3) All orders of change to the contract shall be first reviewed and approved by the Board of Education before being submitted to the Borough Assembly for final action.

In order that construction on any school facility may proceed with a minimum of delay, the assembly hereby authorizes the board to approve any contract change, the amount of which does not exceed $3,000.00, subject, however, to ratification by the assembly.

(4) If school facilities being acquired are of a leased nature the Board of Education shall be responsible for recommending assembly approval of the lease contract provisions.

SECTION 6. School Facility Equipment

(a) The Board of Education is charged with the responsibility for planning the proper equipment and furnishings for all school facilities including existing or remodeled as well as new facilities.

(b) It shall be the responsibility of the board to prepare school facility equipment lists, inviting bids or quotations for supplying and recommending final bid award by the Borough Assembly.

(c) Equipment for school facilities shall be delivered to the care of the school district and it shall be the responsibility of the district to require compliance with bid conditions.

SECTION 7. School, School Facility Casualty, Liability Insurance

(a) The Board of Education shall be responsible for maintaining an adequate casualty and liability insurance program in connection with school facilities for which it serves as agent of the borough.

(b) Casualty and liability insurance plans proposed by the Board of Education shall be submitted to the Borough Assembly for approval.

SECTION 8. Fund Requirements by General Obligation Bonds

(a) The Borough Board of Education is hereby charged with the responsibility of preparing for Borough Assembly approval recommendations for general obligation bond authorization elections for acquiring school facilities.

Following assembly approval to hold a general obligation bond authorization election the board is further charged with the responsibility of preparing for public dissemination supporting information on the bond needs for school facilities.

(1) The board shall, in presenting for assembly consideration its general obligation bond recommendations, include data on needed school facilities, current bond indebtedness, projected costs of debt retirement based upon estimated property valuations and other pertinent information.

(b) The board is hereby charged with recommending for assembly approval the schedules of bond sales for school facilities.

(c) The board is hereby charged with the responsibility of preparing basic resolutions, bond sale prospecti and all other required supporting documents necessary to the sale of general obligation bonds for school facilities.

(1) The board is authorized to seek the services of a financial consultant individual or firm to act as fiscal agent of the borough in the sale of general obligation bonds for school facilities, recommending the selected individual or firm for final employment by Borough Assembly.

PASSED AND APPROVED by the Assembly of the Greater Anchorage Area Borough on the 21 day of December, 1964.

/s/ C. A. Hostetler
Presiding Officer

ATTEST:

/s/ Arlie L. Jones
Clerk

Approved this 21 day of December, 1964

/s/ John M. Asplund
Borough Chairman

32

GREATER ANCHORAGE AREA BOROUGH, ALASKA

RESOLUTION NO. 102

A RESOLUTION AMENDING RESOLUTION NO. 32 BY DELETING SECTION 8(c) (1) OF RESOLUTION NO. 32 WHICH DELEGATED THE AUTHORITY TO SEEK THE SERVICES OF A FISCAL AGENT FOR THE GREATER ANCHORAGE AREA BOROUGH IN THE SALE OF GENERAL OBLIGATION BONDS FOR SCHOOL FACILITIES TO THE GREATER ANCHORAGE BOROUGH SCHOOL BOARD.

NOW THEREFORE, BE IT RESOLVED by the Assembly of the Greater Anchorage Area Borough:

Section 1. Resolution No. 32 is amended by deleting Section 8(c) (1) of the said resolution.

PASSED AND APPROVED by the Assembly of the Greater Anchorage Area Borough this 23 day of May, 1966.

ATTEST:

_____
Presiding Officer

_____
Borough Clerk

APPROVED this 23 day of May, 1966

_____
Borough Chairman

C. Legal Opinions Affecting Education

From time to time at the request of the Commissioner of Education the office of Attorney General renders opinions which have statewide implications. The Commissioner's office normally issues a memorandum to all school districts covering such opinions and these should be reviewed and kept in the official files. In cases of legal doubt local districts should inquire whether there have been legal opinions rendered at the state level. Wherever and whenever possible local boards should employ legal counsel in the absence of any statewide determinations.

Bibliography

The National School Boards Association, State National Bank Plaza, Evanston, Ill., 60201 has a wealth of information available for local school boards. A query addressed to their offices will bring a response indicating available materials and sources of assistance. The Association of Alaska School Boards pays dues to the national association by virtue of which any Alaska school board is entitled to NSBA privileges.

1. Hamilton, Robert R. and Reutter, E. Edmund Jr., LEGAL ASPECTS OF SCHOOL BOARD OPERATION, New York: Bureau of Publications, Teachers College, Columbia University, 1958.

2. The Educational Policy Service, NSBA, State National Bank Plaza, Evanston, Ill., 60201.

3. Northwest Community Education Development Center, University of Oregon, 1736 Moss St. Eugene, Oregon 97403.

The American School Board Journal published monthly by the National School Boards Association features articles of special interest to school board members on timely topics. A subscription for each board member might be a good investment.